

This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

#### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + Refrain from automated querying Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

#### **About Google Book Search**

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at http://books.google.com/





- GANANA

# FOR DECENTINE USE ONLY

VIRGINIA STATE DOCUMENT
Public Documents
University of Virginia Library

# **ACTS**

AND

### JOINT RESOLUTIONS

(Amending the Constitution)

OF THE

# GENERAL ASSEMBLY

OF THE

# STATE OF VIRGINIA

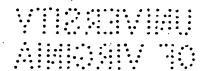
Session Which Commenced at the State Capitol on Wednesday, January 11, 1922.



DAVIS BOTTOM, SUPERINTENDENT OF PUBLIC PRINTING 1922.

Virginiana

425787





## Acts and Joint Resolutions

CHAP. 1.—An ACT to provide for a municipal terminal or terminals for the city of Norfolk. Approved January 28, 1922.

Be it enacted by the general assembly of Virginia, as follows: Section 1. In addition to all other powers now vested in it, the city

of Norfolk shall have power-

(1) To develop its port facilities by acquiring (by purchase, construction or otherwise), improving, maintaining and operating a municipal terminal or terminals for said city, upon the water front in or near said city, including all necessary wharves, piers, bulkheads, slips, docks, sheds, warehouses, elevators, tracks, and railroad and steamship facilities, and all necessary lands, rights in lands and water rights, to be used and operated for the following purposes, namely: For the landing, loading and unloading of vessels, for the loading and unloading of railroad cars or other carriers, for the interchange or transfer of goods, merchandise or other property between vessels, railroad cars or other carriers, and for the temporary shelter or storage of goods, merchandise or other property carried or about to be carried by such vessels, railroad cars or other carriers;

(2) To charge and collect reasonable wharfage fees and other fees, tolls or dues for the use of such municipal terminal or terminals

or for the services rendered in the operation thereof;

(3) To contract debts and issue bonds, notes or other obligations upon the credit of said city for the purpose of acquiring (by purchase, construction, or otherwise) or improving such municipal terminal or terminals.

The powers conferred by this act to acquire, improve, Section 2. maintain and operate a municipal terminal or terminals shall be exercised by the same officers who are authorized by the Norfolk charter of nineteen hundred and eighteen, to exercise the powers to establish, construct, maintain and operate public landings, public wharves and docks, and shall be exercised in the manner provided by said charter for the exercise of the latter powers. The powers conferred by this act to charge and collect wharfage fees and other fees, tolls or dues for the use of such municipal terminal or terminals shall be exercised by the same officers who are authorized by the Norfolk charter of nineteen hundred and eighteen, to lay and collect duties or wharfage fees on vessels coming to or using public landings, wharves or docks, and shall be exercised in the manner provided by said charter for the exercise of the latter powers.



Section 3. Except as herein otherwise provided, all bonds issued for a municipal terminal or terminals under the authority of this act shall be issued pursuant to an ordinance of the council of the city of Norfolk, and in the manner prescribed by the Norfolk charter of nineteen hundred and eighteen for the issuance of bonds; and all of the provisions of said charter relating to the payment of bonds issued upon the credit of said city shall apply to the payment of the bonds hereby authorized. Such bonds may be issued under and in compliance with the provisions of, or may be made of the class described in, clause (b) of section one hundred and twenty-seven of the Constitution of Virginia, and if so issued or made, they shall not, except as otherwise provided in said clause (b), be included in determining the limitation prescribed by said section of the power to incur indebtedness or be subject to any limitation prescribed by statute upon the amount of indebtedness which said city may incur. In the event that it shall be proposed to issue such bonds under or pursuant to said clause (b), or to make them of the class described in said clause (b), an ordinance providing for their issuance shall be adopted as provided in chapter one hundred and twenty-two of the Code of Virginia, and the question whether said bonds shall be issued pursuant to said ordinance shall be submitted to the qualified voters of the city of Norfolk as provided in said chapter one hundred and twenty-two, and all of the provisions of said chapter one hundred and twenty-two shall be complied with; provided, however, that the ordinance adopted by the council of the city of Norfolk on November twenty-second, nineteen hundred and twenty-one, entitled an ordinance to amend and re-ordain an ordinance entitled an ordinance providing for the construction of a municipal terminal, providing for the issuance of five million dollars of bonds of the city of Norfolk, providing for the submission to the qualified voters of the city of Norfolk of the question of the issuance of such bonds, adopted November first, nineteen hundred and twentyone, and the order made by the corporation court of the city of Norfolk on December twenty-third, nineteen hundred and twenty-one, providing for the holding of an election in said city on February seventh, nineteen hundred and twenty-two, on the question of issuing bonds for a municipal terminal as provided in said ordinance, and all other acts and proceedings heretofore done or taken relating to the calling or holding of said election are hereby ratified and validated, and said ordinance, acts and proceedings shall have the same force and effect as if they had been adopted, made, done and taken after the time this act takes effect, and in strict compliance with the provisions hereof; and provided, further, that it shall be lawful for the council of the city of Norfolk, at any time prior to the date fixed for said election as aforesaid, to amend or re-enact said ordinance adopted November twenty-second, nineteen hundred and twenty-one, and if said ordinance shall be amended or re-enacted, no further order of the corporation court and no further notice of said election shall be necessary, except such notice as the council of the city of Norfolk may deem advisable, and the said election to be held on February seventh, nineteen hundred

and twenty-two, shall be an election on the question of issuing bonds as provided in said ordinance as so amended or re-enacted. The said ordinance adopted November twenty-second, nineteen hundred and twenty-one, shall not be construed as authorizing the issuance of bonds

for any purpose not mentioned in this act.

Section 4. All wharfage fees and other fees, tolls, dues or revenues derived by the city of Norfolk from the operation of any such municipal terminal or terminals shall be placed by the city treasurer in a separate fund and applied to the payment of the cost of operation and administration of such municipal terminal or terminals (including interest on bonds issued therefor and the cost of insurance against loss by injury to persons or property), and to the payment of an annual amount to the board of sinking fund commissioners of the city of Norfolk to be covered into a sinking fund sufficient to pay at or before maturity all bonds issued on account of such municipal terminal or terminals. Within five years after the date of any election pursuant to which the city of Norfolk shall issue bonds for a municipal terminal or terminals, the wharfage fees and other fees, tolls or dues to be charged and collected by the city of Norfolk for the use of such municipal terminal or terminals or for the services rendered in the operation thereof, shall be fixed by the council of said city at such rates as will produce sufficient revenue to meet said cost of operation and administration and said annual amount to be covered into a sinking fund for the payment of said bonds.

Section 5. An election having been called to be held on February seventh, nineteen hundred and twenty-two on the question of issuing bonds for purposes set forth in this act, an emergency is hereby declared to exist, and this act shall be in force and effect from and

after its passage.

CHAP. 2.—An ACT to amend and re-enact section 3466 of the Code of Virginia, fixing the salary of the judge of the first judicial circuit. [H B 36]

#### Approved January 30, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-four hundred and sixty-six of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 3466. Judges of the circuit courts.—The judges of the circuit courts, the sum of two thousand five hundred dollars each; provided, however, that the judge of the circuit court of the city of Richmond shall receive the sum of four thousand dollars, and the judge of the first judicial circuit, beginning on the first day of February, nineteen hundred and twenty-two, shall receive the sum of four thousand dollars, and provided, further, that all judges (except those two) whose terms of office, whether elected to fill regular or unexpired terms, began after January thirty-first, nineteen hundred and eighteen, or begin after the passage of this act, shall receive the sum of three thousand dollars each, the whole of which said salaries of said judges

shall be paid out of the State treasury, the State to be reimbursed to the extent of one-half thereof by the respective counties and cities composing the circuit, according to their respective population, except that of the salary of the judge of the circuit court of the city of Richmond, the State shall pay the proportion which would otherwise fall to the city of Richmond; and it is hereby made the duty of the auditor of public accounts: On or before the first day of June, of the year nineteen hundred and three, and of each year thereafter, to apportion between the counties and cities composing each judicial circuit the salary of the judge thereof for the year beginning the first day of February, of the succeeding year, according to the respective population of said counties and cities as shown by the last preceding census taken under authority of the United States, and transmit a statement of such apportionment to the clerk of the council of each city composing the judicial circuit, and to the treasurer of each of said counties and cities.

It shall be the duty of the board of supervisors of each county and the council of each city to provide funds for the payment of so much of said salary as said statement shows to have been apportioned to its county or city; but it is hereby made the duty of the treasurer of such county or city to pay the same into the treasury of the State on or before the first day of December each year, out of the funds of his county or city in his hands, and to this end he shall retain of said funds collected by him a sum sufficient to pay such portion of said salary, and the said apportionment shall be the first and superior charge against said funds.

Any treasurer failing to make such payment within the time prescribed therefor shall be liable to the Commonwealth on his official bond, for the part of such salary apportioned to his county or city, and a penalty thereon of ten per centum.

2. All acts and parts of acts in conflict with this act are repealed. By reason of the fact that the terms of some of the judges of the Commonwealth affected by this act begin on the first day of February, nineteen hundred and twenty-two, an emergency is declard to exist and this act shall be in force from its passage.

Sec. 5887. Circuit courts established for counties and cities.—For

CHAP. 3.—An ACT to amend and re-enact section 5887 of the Code of Virginia; and to amend and re-enact section 5888 of the Code of Virginia, as amended by an act approved January 29, 1920, as amended by an act approved March 20, 1920. [S B 23]

Approved January 30, 1922.

<sup>1.</sup> Be it enacted by the general assembly of Virginia, That section fifty-eight hundred and eighty-seven and fifty-eight hundred and eighty-eight of the Code of Virginia, the latter of which sections was amended by an act approved January twenty-ninth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

the city of Williamsburg and the county of James City, for that part . of the county of Henrico which is without the corporate limits of the city of Richmond, and for every other county, and for each of the cities of Alexandria, Danville, Lynchburg, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, Roanoke, Charlottesville, and Hopewell; and the cities of Clifton Forge and Suffolk, there shall be a circuit court, which shall be called the circuit court of such county or city, or such city and county, as the case may be. Any action or proceeding taken or had in the circuit court of Rockingham county or in the clerk's office thereof, since the twelfth day of January, nineteen hundred and twenty, which under the provisions of this section as it appears in the Code of nineteen hundred and nineteen should have been taken or had in the circuit court of the city of Harrisonburg, or in the clerk's office thereof, shall be as valid and effectual in all respects as if no separate circuit court for the city of Harrisonburg had been created or provided for by the said Code; and any action or proceeding taken or had in the circuit court of Elizabeth City county, or in the clerk's office thereof, since the twelfth day of January, nineteen hundred and twenty, which under the provisions of this section as it appears in the Code of nineteen hundred and nineteen, should have been taken or had in the circuit court of the city of Hampton, or in the clerk's office thereof, shall be as valid and effectual in all respects as if no separate circuit court for the city of Hampton had been created or provided for by the said Code.

Sec. 5888. Judicial circuits.—The State shall be divided into

thiry-three judicial circuits as follows:

(1) The county of Norfolk shall constitute the first circuit.

(2) The counties of Nansemond and Southampton, and the

city of Suffolk, shall constitute the second circuit.

- (3) The counties of Prince George, Surry, Sussx, Greensville, and Brunswick, and the city of Hopewell, shall constitute the third circuit.
- (4) The counties of Chesterfield, Dinwiddie, Nottoway, Amelia, Powhatan and the city of Petersburg shall constitute the fourth circuit.
- (5) The counties of Prince Edward, Cumberland, Appomattox, Charlotte and Buckingham shall constitute the fifth circuit.
- (6) The counties of Lunenburg, Mecklenburg, Halifax, Campbell, and the city of Lynchburg shall constitute the sixth circuit.
- (7) The counties of Pittsylvania, Henry, Patrick, and the city Danville shall constitute the seventh circuit.
- (8) The counties of Madison, Greene and Albemarle and the city of Charlottesville shall constitute the eighth circuit.
- (9) The counties of Culpeper, Orange, Louisa and Goochland shall constitute the ninth circuit.
- (10) The county of Henrico and the city of Richmond shall constitute the tenth circuit.
- (11) The county of Elizabeth City and the city of Newport News shall constitute the eleventh circuit.

- (12) The counties of Richmond, Northumberland, Westmoreland, Lancaster and Essex shall constitute the twelfth circuit.
- (13) The counties of Gloucester, Mathews, King and Queen, King William and Middlesex shall constitute the thirteenth circuit.
- (14) The counties of New Kent, Charles City, York, Warwick, James City, and the city of Williamsburg shall constitute the fourteenth circuit.
- (15) The counties of King George, Stafford, Spotsylvania, Caroline and Hanover shall constitute the fifteenth circuit.
- (16) The counties of Prince William, Fairfax and Alexandria and the city of Alexandria shall constitute the sixteenth circuit.
- (17) The counties of Frederick, Clarke, Warren and Shenandoah shall constitute the seventeenth circuit.
- (18) The counties of Augusta, Highland and Rockbridge shall constitute the eighteenth circuit.
- (19) The counties of Bath, Alleghany, Craig and Botetourt, and the city of Clifton Forge, shall constitute the nineteenth circuit.
- (20) The counties of Roanoke, Montgomery, Floyd and the city of Roanoke shall constitute the twentieth circuit.
- (21) The counties of Pulaski, Carroll, Wythe and Grayson shall constitute the twenty-first circuit.
- (22) The counties of Bland, Tazewell and Giles shall constitute the twenty-second circuit.
- (23) The counties of Washington and Smyth shall constitute the twenty-third circuit.
- (24) The counties of Lee and Scott shall constitute the twenty-fourth circuit.
- (25) The counties of Rockingham and Page shall constitute the twenty-fifth circuit.
- (26) The counties of Rappahannock, Fauquier and Loudoun shall constitute the twenty-sixth circuit.
- (27) The counties of Buchanan, Russell and Dickenson shall constitute the twenty-seventh circuit.
- (28) The counties of Isle of Wight and Princess Anne and the city of Portsmouth shall constitute the twenty-eighth circuit.
- (29) The counties of Amherst, Nelson and Fluvanna shall constitute the twenty-ninth circuit.
- (30) The counties of Bedford and Franklin shall constitute the thirtieth circuit.
- (31) The counties of Accomac and Northampton shall constitute the thirty-first circuit.
  - (32) The city of Norfolk shall constitute the thirty-second circuit.(33) The county of Wise shall constitute the thirty-third circuit.
- 2. An emergency existing, this act shall be in force from its passage.

CHAP. 4.—An ACT to amend and re-enact section 3468 of the Code of Virginia, as amended.

[H B 97]

Approved January 31, 1922.

Be it enacted by the general assembly of Virginia, That section thirty-four hundred and sixty-eight of the Code of Virginia, as amended and re-enacted by an act of said assembly, approved March twenty-fifth, nineteen hundred and twenty, entitled an act to amend and re-enact section thirty-four hundred and sixty-eight of the Code of Virginia, be further amended and re-enacted so as to read as follows:

Sec. 3468. Judges of the city courts of the cities of the first class shall receive for their compensation as such the following salaries,

respectively:

The judge of the chancery court of the city of Richmond, the judge of the law and equity court of the city of Richmond, the judge of the hustings court of the city of Richmond, the judge of the law and chancery court of the city of Norfolk, and the judge of the corporation court of the city of Norfolk, the sum of three thousand five hundred dollars each; the judge of the corporation or hustings court of the city of Petersburg, the judge of the corporation or hustings court of the city of Lynchburg, the judge of the corporation or hustings court of the city of Roanoke, the judge of the corporation or hustings court of the city of Danville, the judge of the corporation or hustings court of the city of Newport News, the judge of the corporation or hustings court of the city of Alexandria, the judge of the corporation or hustings court of the city of Staunton, and the judge of the corporation or hustings court of the city of Portsmouth, the sum of two thousand five hundred dollars each; and the judge of the hustings court part two, of the city of Richmond, the sum of three thousand five hundred dollars and the judge of the court of law and chancery of the city of Roanoke, the sum of three thousand dollars; provided, however, that the judges of the corporation courts of the cities of Petersburg, Lynchburg, Danville, Newport News, Alexandria, Roanoke, Staunton, Portsmouth, Hopewell, and Charlottesville shall receive the sum of three thousand dollars each, said salaries to begin on the first day of the terms of such judges, or their successors in office, following the terms which they are now serving whether the same be a regular or unexpired term. The whole of the said salaries of said judges shall be paid out of the State treasury, the State to be reimbursed to the extent of one-half thereof by the respective cities; and it is hereby made the duty of the auditor of public accounts on or before the first day of June of the year nineteen hundred and three and of each year thereafter to apportion the salary of each of said judges, respectively, between the State of Virginia and the cities above named, respectively, in accordance with the provisions of section one hundred and three of the Constitution of Virginia; that is to say, one-half of said salary of each of said judges to be paid by the State of Virginia, and the other half by the city, and to transmit a state-



ment of such apportionment to the clerks of the councils of said cities, respectively, and to the treasurers of said cities, respectively.

It shall be the duty of the council of said cities to provide for the payment of so much of said salary as said statement shows to have been apportioned to its city; but it is hereby made the duty of the treasurer of such city to pay the same into the treasury of the State on or before the first day of December each year, out of any funds of his city in his hands; and to this end he shall retain of said funds collected by him a sum sufficient to pay such portion of said salary, and said apportionment shall be the first and superior charge against said funds. Any treasurer failing to make such payment within the time above prescribed therefor shall be liable to the Commonwealth on his official bond for the part of such salary apportioned to his city as aforesaid and a penalty thereon of ten per centum.

2. An emergency existing this act shall be in force from its passage.

CHAP. 5.—An ACT to amend and re-enact section 1564 of the Code of Virginia.

[H B 5]

Approved February 10, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifteen hundred and sixty-four of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 1564. Local registrars designated; failure to perform duties; penalty.—In cities the principal executive officer of the local board of health shall be the local registrar of vital statistics, and in towns and magisterial districts the State registrar shall appoint a suitable and proper person to be the local registrar for such town or district, or portion of such town or district, as said registrar may designate.

Any local registrar who fails or neglects to discharge efficiently the duties of his office, as laid down in this chapter or who fails to make prompt and complete returns of births and deaths, as required thereby, shall be forthwith removed from his office of registrar by the State registrar, in addition to any further penalties that may be imposed under other sections of this chapter for failure or neglect to perform his duty.

CHAP. 6.—An ACT to amend and re-enact section 2073 of the Code of Virginia, as amended by an act approved March 19, 1920. [H B 6]

Approved February 11, 1922.

Whereas, it is the fixed policy of the State of Virginia not to

employ convicts upon contract work, but

Whereas, there are a number of convicts in the penitentiary who, on account of their physical condition, character or disposition, the superintendent of the penitentiary deems it unsafe to put on the State convict road force, and

Whereas, the State use system has not been sufficiently developed to take care of all such convicts, and

Whereas, unless some further provision be made by law for the employment of such convicts they will be confined in idleness after February first, nineteen hundred and twenty-two; and

Whereas, it is expedient to provide employment for such convicts,

now, therefore,

1. Be it enacted by the general assembly of Virginia, That section two thousand and seventy-three of the Code of Virginia, as amended by an act approved March nineteenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 2073. How State convict road force constituted; employment of certain convicts at the penitentiary.—All male prisoners convicted of felony, and sentenced to confinement in the penitentiary, and all male persons now convicted and confined in the public jails, or who may be hereafter convicted and so confined, and sentenced to the road force for a misdemeanor, shall, when delivered to the superintendent of the penitentiary, under the provisions of sections twenty hundred and seventy-five and twenty hundred and ninety-six, constitute the State convict road force. But such convicts as the superintendent of the penitentiary shall deem it improper or unsafe to be put on the convict road force or other public works, on account of physical condition, character, or disposition, may be employed by the penitentiary board in work for the State at the penitentiary. or in State or county stone quarries, or at the State farm. Convicts actually confined within the penitentiary, however, shall be used, as far as possible, in the making of clothes, shoes and other necessary articles required by the State convict road force and other institutions of the State, and the superintendent of the penitentiary and the penitentiary board are authorized and empowered to charge the State convict road force and other State institutions the actual cost of the materials used in the manufacture of articles furnished them, and in addition thereto ten per centum of the said cost, the fund so derived to be used to keep in repair and to replace the machinery, tools, et cetera, used in the manufacture of the various articles furnished. Any surplus of manufactured articles not required by the State convict road force and the other institutions of the State may be disposed of by the penitentiary board as it may deem best. It is further provided that the superintendent of the penitentiary and the penitentiary board, on the part of the State, with the approval of the governor, may extend the contract of employment in force on the passage of this act, or may enter into a new contract, to such an extent as may be necessary to obviate the necessity of keeping in idleness convicts actually confined in the penitentiary, and not otherwise employed; provided that the new contract shall automatically expire on February first, nineteen hundred and twenty-four, or earlier at the option of the penitentiary board and with the approval of the governor. But no such contract shall be extended or renewed or a new contract entered into, unless and until the contractor shall have given bond in form approved by the attorney general, and with such security and in such penalty as may be determined by the board with the advice and consent of the governor, conditioned upon the faithful performance of all the terms of his contract.

2. An emergency existing, this act shall be in force from its passage.

CHAP. 7.—An ACT to autrorize the school board of Templeton school district in Prince George county to borrow money, not to exceed \$18,000, for the purpose of paying off the present indebtedness of the district and for the erection of school buildings for white and colored at Disputanta. [H B 29]

#### Approved February 11, 1922.

1. Be it enacted by the general assembly of Virginia as follows: Sec. 1. The school board of Templeton school district in Prince George county is hereby authorized and empowered to borrow money, not to exceed eighteen thousand dollars, the proceeds of such loan to be used for the paying of the present indebtedness of the said district, amounting to ten thousand dollars, and for the erection of school buildings for white and colored pupils at Disputanta.

Sec. 2. The said loan shall be effected by issuing the bonds of the said school district, signed by the chairman and the clerk of the said board; they shall be in denominations of one hundred dollars and multiples thereof; they shall bear interest at a rate not exceeding six per centum per annum, interest coupons attached, payable January first of each year; and they shall be made to mature at the end of twenty years from their date, but redeemable earlier at the option of the said board. The said bonds shall be a lien on all the school property in said district.

Sec. 3. The said board shall have full power to negotiate the said bonds through an agent or by such other methods as in its discretion may seem best; provided, however, that the said bonds shall be so

negotiated for no less than their normal or par value.

Sec. 4. After issuing the bonds, or any of them, provided for in this act, when the first levy is made by the board of supervisors a tax shall be levied on all property subject to local taxation in said district, to pay interest on the bonds so issued and to create a sinking fund to redeem the principal thereof at maturity; and from year to year such levies shall be made on such property in said district until such debt, together with the interest thereon, is paid, the said levy to be made upon the recommendation of the said school board and not to exceed the rate provided by law.

Sec. 5. An emergency existing, this act shall be in force from its passage.

CHAP. 8.—An ACT to authorize the State highway commissioner to sell and convey houses and lands appurtenant thereto, formerly used as tollhouses, on Road No. 6 in the State highway system, in Frederick county, Virginia, between Winchester by way of Gore to the West Virginia line, formerly [H B 16] known as Northwestern turnpike road.

#### Approved February 11, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the State highway commissioner be and is hereby authorized to sell at such price and upon such terms as to him shall seem fit, and to convey by deed to the purchaser, any or all of the houses formerly used as tollhouses, and lands appurtenant thereto, on that part of road, number six of the State highway system, in Frederick county, Virginia, between Winchester by way of Gore to the West Virginia line, formerly known as the Northwestern turnpike road, and formerly under control of the State corporation commission.
- Funds received from such sales shall be paid into the treasury of Virginia and expended by the State highway commissioner for maintenance of roads in the State highway system.
- 3. An emergency existing because of the necessity of disposing of such houses and lands appurtenant thereto, this act shall be in force from its passage.

CHAP. 9.—An ACT to amend and re-enact section 6438 of the Code of Virginia.

Approved February 11, 1922.

1. Be it enacted by the general assembly of Virginia, That section sixty-four hundred and thirty-eight of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 6438. Lien of employees, et cetera, of transportation companies, et cetera, on franchises and property of company.—All conductors, brakemen, engine drivers, firemen, captains, stewards, pilots, clerks, depot or office agents, storekeepers, mechanics, traveling representatives or laborers, and all persons furnishing railroad iron, engines, cars, fuel and all other supplies necessary to the operation of any railway, canal or other transportation company, and all clerks. mechanics, traveling representatives and laborers who furnish their services or labor to any mining or manufacturing company, whether such railway, canal or other transportation or mining or manufacturing company be chartered under or by the laws of this State, or be chartered elsewhere and be doing business within the limits of this State, shall have a prior lien on the franchises, gross earnings and on all the real and personal property of said company which is used in operating the same, to the extent of the moneys due them by said company for such wages or supplies; and no mortgage, deed of trust. sale, hypothecation or conveyance executed since the first day of May, eighteen hundred and eighty-eight, shall defeat or take precedence over said lien; provided, however, that the lien secured by this sec-

tion to parties furnishing supplies, shall be subordinate to that allowed to clerks, mechanics and laborers for services furnished as aforesaid; and provided, that if any person entitled to a lien as well under section sixty-four hundred and twenty-six as under this section, shall perfect his lien given by either section, he shall not be entitled to the benefit of the other; and provided, also, that no right to or remedy upon a lien which has already accrued to any person shall be extended, abridged or otherwise affected hereby.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 10.—An ACT to amend and re-enact an act entitled an act to provide for the payment of bounties for the killing of certain predatory birds and animals, approved March 10, 1920.

#### Approved February 11, 1922.

Be it enacted by the general assembly of Virginia, That an act entitled an act to provide for the payment of bounties for the killing of certain pradatory birds and animals, approved March tenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 1. The bounties hereinafter specified shall be paid for the killing of the predatory birds and animals hereinafter named, that is to say: Sharp-skinned hawk, fifty cents; gos hawk, fifty cents; Cooper's hawk, fifty cents; crow, fifteen cents; great horned owl, fifty cents; and weasels, one dollar. No bounty for the killing of crows, however, shall be paid except on those killed in the months

of April, May, June, July, August or September. Sec. 2. The said bounties shall be paid in the following manner: One-half by the commissioner of game and inland fisheries on warrants drawn on the game protection fund, and one-half by the board of supervisors of the county in which the predatory bird or animal is killed, out of the dog license fund existing under the provisions of chapter four hundred and thirteen of the Acts of nineteen hundred and twenty. All payments for bounties as herein provided shall be paid in full by the board of supervisors and the commissioner of game and inland fisheries shall, upon receipt of certificate from the board of supervisors that such bounties have been paid, remit, as herein provided, one-half of the amount so paid to the board of supervisors paying same.

Sec. 3. In order to entitle any person to the bounties herein provided, the applicant shall produce before the county clerk the head of the bird or animal killed, and make affidavit before the clerk that same was killed within said county, and no fee shall be charged

by the clerk for taking such affidavit.

Chap. 11.—An ACT to prohibit the baiting of wild turkeys in this State for the purpose of killing or capturing same. [S B 78]

#### Approved February 11, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to bait wild turkeys at any time in this State for the purpose of killing or capturing same; provided that wild turkeys may, under a permit from the commissioner of game and inland fisheries, be baited for the purpose of capture for propagation purposes.

2. Any violation of the provisions of this act shall be deemed a misdemeanor and shall be punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars, or imprisonment in jail for a period not to exceed thirty days, or both fine and imprisonment in the discretion of the justice or jury trying the case.

CHAP. 12.—An ACT to regulate the shooting of wild waterfowl in this State. [S B 40]

#### Approved February 11, 1922.

- 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to shoot at, or to kill or capture, in any manner, wild waterfowl in this State between the first day of February and the first day of November of each year; provided, however, should the regulations of the United States government extend the spring shooting of wild waterfowl beyond the first day of February, or declare an open season on wild waterfowl prior to November first, the dates for opening and closing the season in which wild waterfowl may be legally taken in this State shall be the same as provided in the regulations of the United States government, and the number of such wild waterfowl that may be legally taken at any one time in this State shall be the same that may be legally taken under the regulations of the United States government.
  - 2. It shall be unlawful to sell, offer for sale, or barter any wild

waterfowl in this State.

3. Violations of any of the provisions of this act shall be deemed a misdemeanor and punished by a fine of not less than ten dollars nor more than twenty-five dollars.

All acts or parts of acts in conflict with this act are hereby repealed.

CHAP. 13.—An ACT to amend and re-enact section 3084 of the Code of Virginia of 1919. [S B 97]

Approved February 11, 1922.

1. Be it enacted by the general assembly of Virginia, That section three thousand and eighty-four of the Code of Virginia of nine-

teen hundred and nineteen be amended and re-enacted so as to read as follows:

Sec. 3084. Bonds attested; rate of interest.—All bonds issued by any municipality for any purpose under this chapter shall be signed by the mayor and attested by the clerk or recorder, shall bear interest at a rate not exceeding six per cent. per annum, shall not be sold upon a basis which will cost the municipality more than six per cent. interest per annum, and shall become due and payable within any period not exceeding thirty-five years from the date of issue.

CHAP. 14.—An ACT to amend and re-enact section 2158 of the Code of Virginia, as amended by an act approved March 25, 1920. [H B 7]

#### Approved February 13, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-one hundred and fifty-eight of the Code of Virginia, as amended by an act approved March twenty-fifth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 2158. Security to be given by banks.—No money shall be deposited in either of said banks until it shall have secured some person other than the bank itself in its behalf to enter into a bond, approved and accepted by the finance board, for a sum in the penalty of at least fifty thousand dollars, which sum, however, shall at all times be twenty-five per centum in excess of the amount of money of the Commonwealth that is on deposit in any such designated State depository, with condition faithfully to account for and pay over when and as required, whatever amount may, at the time such bond is given, be on deposit in said bank to the credit of the Commonwealth, and such other sums as may thereafter be deposited in said bank on behalf of the Commonwealth, and with further condition to pay the State interest at the rate of not less than two and onehalf per centum per annum on daily balances, and for the faithful discharge by said bank of all the duties and obligations pertaining to it as such depository; but every such bank shall give as surety on its bond, some guaranty or security company doing business in this State. Any such bank, however, may deposit with the treasurer of the State, in lieu of such bond, registered bonds of the State of Virginia, registered bonds of any municipality, county or subdivision thereof, of the Commonwealth of Virginia issued in compliance with statutes authorizing same, or registered bonds of the United States, registered in the name of the bank making such deposit, said bonds to be taken at the market value on date of deposit, to be held upon the same condition and trust for the protection and indemnity of the State stipulated above in relation to the bond to be given hereunder; and shall at the same time deliver to the treasurer a power of attorney authorizing him to transfer said bonds or any parts thereof, for the purpose of paying any of the liabilities provided



for in this title. The treasurer shall, in the month of December in each year, examine all securities so deposited with him for the purpose of ascertaining whether any of them have depreciated or been reduced in value, and forthwith require any such bank to make good any depreciation or reduction in value of said securities. The State shall be responsible for the safe keeping of all bonds deposited with the treasurer of the State, and if said bonds or any part of them shall be lost, destroyed, or misappropriated, the State shall make good such loss to the bank making the deposit.

CHAP. 15.—An ACT to ratify, confirm and validate all the acts of the present de facto trustees of the school district of the town of Leesburg, and their predecessors in office; for the appointment of the present de facto trustees as trustees de jure, to ratify all the acts, proceedings and resolutions of said de facto trustees, acting as the school board of said district, also the acts, orders and resolutions of the board of supervisors of Loudoun county, and all other officials, relative to the issuance of bonds by said school district for the purpose of erecting a school building and equipping the same in said school district; to validate an election held in said school district on Thursday, March 3, 1921, authorizing the said board to issue bonds in the aggregate amount of seventy-eight thousand dollars; to validate the bonds issued or to be issued by the said board in pursuance of said election; to authorize the said board to prescribe the denomination of and maturities of said bonds; to provide for levy of taxes, and their collection, sufficient to maintain the schools of said district, to pay the interest on said bonds annually, and to provide for an annual sinking fund to pay the bonds as the same shall mature in accordance with the terms and provisions thereof. [H B 147]

#### Approved February 17, 1922.

Whereas, a resolution was adopted by the school board of the school district of the town of Leesburg on the twelfth day of February, nineteen hundred and twenty-one, and a resolution was also adopted by the board of supervisors for Loudoun county on the fourteenth day of February, nineteen hundred and twenty-one, by which said resolutions it was declared that an additional school house was necessary to provide additional public school facilities, and further providing that the school funds of said district were not sufficient to provide such additional buildings, and that it would be necessary to negotiate a loan in an amount not exceeding seventy-eight thousand dollars, to provide and maintain the necessary school building; and

Whereas, by virture of an order of the circuit court of Loudoun county, entered on the fifteenth day of February, nineteen hundred and twenty-one, an election was held on the third day of March, nineteen hundred and twenty-one by the duly qualified voters of the said school district for the purpose of determining the question whether the issue of such bonds should be approved and sanctioned; and

Whereas, a canvass of the returns of said election showed that the sum of seventy-eight thousand dollars was voted by a majority of the qualified voters of said district to erect and maintain a suitable school building for said district and authorizing the officials of said district to negotiate a loan for that amount; and

Whereas, some question has arisen as to the legality and validity of the acts and proceedings hereinbefore mentioned with regard to the issue of said bonds, and it is now desired to legalize, validate and confirm the acts and proceedings hereinbefore mentioned and the

issue and disposal of said bonds; now therefore,

1. Be it enacted by the general assembly of Virginia, That all and singular the acts, proceedings, resolutions, contracts and engagements of L. G. Caviness, H. H. Lefferts and H. H. Trundle, the present de facto trustees of said school district and their predecessors in office acting as a board, be and the same are hereby ratified, approved, confirmed and validated, notwithstanding any defect or irregularity in the appointment of the said trustees or their predecessors in office.

2. That the said L. G. Caviness, H. H. Lefferts and H. H. Trundle are hereby confirmed and appointed trustees for said school district for the town of Leesburg, to hold office with all the powers and subject to all the duties of district school trustees under the Constitution of Virginia, and its amendments, and under the general school law as found in chapter thirty-three of the Code nineteen hundred and nineteen, and acts amendatory thereof until their successors are appointed by the school trustee electoral board of Loudoun county.

3. That all the acts, proceedings, resolutions and orders of said de facto trustees and their predecessors in office, acting as a board, relative to the issuance of bonds by said school district for the purpose of erecting a school building and equipping the same in said district, as authorized by an election held Thursday, March third, nineteen hundred and twenty-one, be and the same are hereby rati-

fied, approved, confirmed and validated.

4. That the acts, proceedings, resolutions, and orders of the board of supervisors of Loudoun county; that the acts, orders and proceedings of the circuit court of Loudoun county; that the acts and proceedings of the clerk of said court, of the sheriff of said county, the electoral board and all school officers and election officers, relative to and concerning said election for the purpose aforesaid, held on Thursday, March third, nineteen hundred and twenty-one, in said district, be, and the same are hereby, ratified, approved, confirmed and validated, notwithstanding any defect, irregularity or omission in the requirements necessary to be observed as prescribed by law.

5. That the said election, held in said district on Thursday, March third, nineteen hundred and twenty-one, for the purpose aforesaid, wherein by a majority of votes the said school board was directed and authorized to issue bonds in the aggregate amount of seventy-eight thousand dollars to erect a school building and furnish the same with proper equipment in said school district according to plans and specifications, approved by the division superintendent



and the superintendent of public instruction, be and the same is hereby ratified, approved, confirmed and validated, notwithstanding any defect or irregularity or omission in the calling or holding of said election, or in the return of the result of said election.

6. That in pursuance of said election the said school board is hereby authorized to issue bonds to an amount, in the aggregate, of seventy-eight thousand dollars, for the purpose aforesaid, in such denominations, and with such dates of maturity as the said school board may deem proper, bearing interest at six per centum per annum, payable annually, which bonds, issued or to be issued, are hereby ratified, approved, confirmed and validated, and are hereby declared the valid and binding obligation of the said school district of the town of Leesburg, Virginia, and are hereby constituted a lien on all the school property in the aforesaid district, and the buildings erected thereon, enforceable by suit in equity.

7. The authorities, who under the Constitution and present general school law are directed to levy and collect school texes, shall and they are hereby authorized to levy, not in excess of the rate prescribed by general law, such rate of taxation on all the taxable property in said school district as may be sufficient to maintain the schools of said district, and in addition, pay the annual accruing instalments of interest on said bonds, and provide an annual sinking fund sufficient to pay the principal of the bonds annually maturing; and it shall be the duty of said authorities to make such levy, and collect and disburse the same as aforesaid, and upon failure so to do, annually, the holder of any bond or bonds, which are matured or on which interest is in default, may by mandamus compel the exercise of this official duty.

8. The said school district being in urgent need of funds to be derived from the issuance and sale of said bonds for the purpose aforesaid, an emergency exists, and this act shall be in force from its passage.

CHAP. 16.—An ACT to give the consent of the State of Virginia to such individuals or company as may be granted permission by the Secretary of War of the United States to erect and operate a hotel upon such site as may be granted therefor on the United States Military Reservations at Fort Monroe, Virginia.

[H B 9]

#### Approved February 17, 1922.

Whereas, pursuant to act of the general assembly of Virginia passed on the first day of March, in the year eighteen hundred and twenty-one, David Campbell, governor of the Commonwealth of Virginia, did by deed under the seal of the Commonwealth, grant and convey to the United States of America certain lands and shoals at Old Point Comfort, Virginia, in said deed fully described, upon certain terms and conditions also in said deed set forth, and

Whereas, by said deed, it is among other things provided, "That the United States shall use the said land for purpose of fortification and national defense, and no other, and if the United States at any time abandon the said lands and shoals or appropriate it to any other purposes than those herein mentioned, then this conveyance to be void, and the said lands and shoal to revert and revest in the Commonwealth of Virginia"; and

Whereas, for many years past, under a grant from the Secretary of War of the United States, made pursuant to a joint resolution of the Congress of the United States, adopted March third, eighteen hundred and eighty-seven, and with the consent of the State of Virginia, contained in an act of the general assembly thereof, approved March thirtieth, eighteen hundred and eighty-seven, a hotel was maintained on the said United States government reservation, at Fort Monroe, Virginia, or Old Point Comfort, Virginia, known as Chamberlin hotel, by John F. Chamberlin, and his successors, until the same was destroyed by fire, in the year nineteen hundred and twenty; and

Whereas, the public feels a great need for a hotel on the site formerly occupied by said Chamberlin hotel, and to that end has petitioned Congress of the United States for permission to erect on said site another hotel and to obtain a lease-hold on so much of the land of the said United States is necessary therefor, as shown by joint resolution now pending before Congress of the United States; and

Whereas, the United States of America will grant no site or right to any corporation or individual for the construction or operation of a hotel upon any portion of said land until the consent of the Commonwealth of Virginia has been obtained therefor, in order to avoid any possibility of the land so granted for a hotel site reverting to or revesting in the Commonwealth of Virginia; therefore,

Be it enacted by the general assembly of Virginia, That the consent of the State of Virginia is hereby given to such individuals or company, and their successors and assigns, as may be granted a site and privilege by the Secretary of War of the United States to construct, maintain and operate a hotel at Fort Monroe, Virginia, for the term of fifty years, from the date of such grant, together with the privilege of renewing the same, in case such renewal be granted by the said Secretary of War, for a futher period of fifty years, from the expiration thereof, hereby abridging and suspending for the period of such grant the aforesaid provision of the deed from the Commonwealth of Virginia to the United States by which such site may, might or could revert or revest in the Commonwealth of Virginia because of the same being used for other purposes than fortification or national defense; provided, however, that all of the property located on the site hereby granted shall be liable to such taxes, State and local, as other property in the county of Elizabeth City is liable to, during the term of the aforesaid grant or the extension thereof.

CHAP. 17.—An ACT to amend and re-enact section 4719 of the Code of Virginia.
[H B 53]

Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That section fory-seven hundred and nineteen of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 4719. Prohibiting unlawful use or wearing of any insignia or button of any association or society or trades union, or any southern cross of honor or emblem of the American Legion.—Any person who shall willfully wear any insignia or button of any association, society or trades union, or who shall use the same to obtain aid or assistance within this State, unless he shall be entitled to use or wear the same under the constitution, bylaws, rules and regulations of such association, society or trades union, or any person who shall willfully wear or use, to obtain assistance, the emblem of the American Legion, unless he be entitled to use or wear the same, or any southern cross of honor, not being entitled to do so under the regulations under which such crosses of honor are given, shall be guilty of a misdemeanor.

CHAP. 18.—An ACT to provide for the training and licensing of attendants for the sick under certain conditions. [H B 3]

#### Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, as follows: Sec. 1. The State board of examiners of graduate nurses may, in its discretion, authorize the establishment of centers of training for attendants for the sick; provide for the admission of persons applying for such training; prescribe the kind and duration thereof, the examination of persons completing the prescribed courses and the licensing of such persons to do such kind of nursing, public and private, and for the period of one year as such license may designate.

Sec. 2. The license fee at the first issuance of said license shall be two dollars and fifty cents, to be paid to the State board of ex-

aminers of graduate nurses.

This said license may be renewed by the board annually, without any additional fee, and the board may revoke any license for cause after notice to the holder thereof and opportunity to answer any

charges that may be preferred against such persons.

Sec. 3. The State board of examiners of graduate nurses shall have general supervision of the attendants licensed by it, and may make reasonable rules and regulations for the conduct and employment of such attendants; provided, however, that said board of examiners shall not have the power to prescribe the amount of compensation to be charged by said licensed attendants.

Sec. 4. Any person who shall show to the satisfaction of the board that he or she was engaged in the practice of the care of the sick as an attendant undergraduate nurse, unregistered nurse or in

any capacity other than that of a licensed trained graduate or registered nurse at the time of the passage of this act may be granted at the discretion of the said board a license as a licensed attendant without passing an examination; provided application therefor shall be made within six months after the passage of this act, and that such application shall be accompanied by credentials of character and extent of training or experience.

- Sec. 5. All persons who have duly received licenses in accordance with the provisions of this act shall be known and styled as licensed attendants, and it shall be unlawful after six months from the passage of this act for any person to advertise as or to assume the title of licensed attendant or to use the abbreviation of L.A., or any other words, letters or figures to indicate that the person using the same is a licensed attendant, and any person violating this provison of this section of this act shall be deemed guilty of a misdemeanor and punished by a fine of not more than one hundred dollars for the first offense, and not more than two hundred dollars for each subsequent offense.
- Sec. 6. This act shall not be construed to affect existing laws in relation to the examination, registration, and licensing of professional nurses.
- Sec. 7. This act shall become effective on the first day of July, nineteen hundred and twenty-two.

CHAP. 19.—An ACT to amend and re-enact sections 1704, 1706, 1708 and 1714 of the Code of Virginia. [H B 4]

#### Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That sections seventeen hundred and four, seventeen hundred and six, seventeen hundred and eight and seventeen hundred and fourteen of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 1704. Oaths; officers of the board; powers thereof; duties; inspector of training schools; salaries; expenses.—The members of the State board of examiners of graduate nurses shall, before entering on the discharge of their duties, make and file with the secretary of the Commonwealth the constitutional oath of office. They shall annually, in the month of January, elect from their number a president and a secretary, who shall be the treasurer. The treasurer, before entering upon his or her duties, shall file a bond with the secretary of the Commonwealth for such sum as shall be required of him or her by said secretary of the Commonwealth. The board shall adopt rules and regulations not inconsistent with this chapter to govern its proceedings, and also a seal, and the secretary shall have the care and custody thereof, and he or she shall keep a record of all proceedings of the board, including a register of the names of

all nurses duly registered under this chapter, which shall be open at all reasonable times to public inspection, and the board shall cause the prosecution of all persons violating any of the provisions of this chapter, and may incur any necessary expense on that behalf. board may annually appoint an inspector of training schools for nurses, whose duties shall be prescribed by the said board, which duties may be performed by the secretary of the board. The secretary of the board may receive a salary, which may be fixed by the board, and which shall not exceed two thousand dollars per annum; she or he shall also receive traveling and other expenses incurred in the performance of her or his official duties. The other members of the board shall receive the sum of five dollars for each day actually engaged in this service, and all legitimate and necessary expenses incurred in attending the meetings of said board. Said expenses and salaries shall be paid from the fees received by the board under the provisions of this chapter, and no part of the salary or other expenses of the board shall be paid out of the State treasury. All money received in excess of said per diem allowance and other expenses. provided for shall be held by the treasurer as a special fund for meeting the expenses of said board and the cost of annual reports of the proceedings of said board.

Section 1706. Examinations; renewals of certificates.—Provision shall be made by the board for holding examinations at least twice in each year. All examinations shall be made directly by said board or a committee of two members designated by the board, and due notice given of the time and place of holding such examinations as provided for the publication of the rules and regulations of said board. The examination shall be of such character as to determine the fitness of the applicant to practice professional nursing of the sick. If the result of the examination of any applicant shall be satisfactory to a majority of the board, the secretary shall, upon an order of the board, issue to the applicant a certificate to that effect; whereupon the person named on the certificate shall be declared duly licensed to practice professional nursing in this State. Such certificate shall be renewed each year during the month of January upon application to the secretary of the State board of examiners of graduate nurses and the payment of a fee of one dollar.

Section 1708. Fee for examination.—Every applicant for registration shall pay a fee of ten dollars upon filing the application.

Section 1714. How certificate issued to graduate nurses of other States.—The board of examiners upon written application, together with such references and proof of identification as the board may by rule prescribe, may issue a certificate without examination to any person who shall have been registered as a registered nurse under the laws of any other State, the professional requirements of which for securing such registration were at the time of issuance thereof equivalent to the professional requirements prescribed by this chapter, and which gives the same privilege to registered nurses of this State.

CHAP. 20.—An ACT to amend and re-enact sections 1585, 1586, 1587, 1588, 1589, 1590, 1592, 1593 and 1595, and to repeal section 1591 of the Code of Virginia.

[H B 12]

#### Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That sections fifteen hundred and eighty-five, fifteen hundred and eighty-six. fifteen hundred and eighty-seven, fifteen hundred and eighty-eight, fifteen hundred and eighty-nine, fifteen hundred and ninety, fifteen hundred and ninety-two, fifteen hundred and ninety-three and fifteen hundred and ninety-five of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 1585. Definitions.—A hotel within the meaning of this chapter is any inn or public lodging house of more than five bedrooms, where transient guest are fed or lodged for pay in this State. A transient guest is one who puts up for less than one week at such hotel.

Section 1586. Charges posted.—Every hotel shall post in a conspicuous place in its office and in its bedrooms a list of its charges for rooms and meals; and the list posted in each room shall show specifically the charges for that room, with and without baths; except, that hotels operated on the European or a la carte plan shall not be required to post their charges for meals so served.

Section 1587. Fire escapes and extinguishers.—Every hotel shall provide each floor with one or more fire extinguishers, to be kept in working order at all times. In every hotel having fire escapes, conspicuous notices shall be kept posted at the entrance to each hall, stairway, elevator shaft, and in each bedroom above the ground floor,

directions how to reach the fire escapes.

Section 1588. Escape from light well.—The owner or proprietor, manager or person in charge of every hotel now existing or hereafter constructed with an inside court or light well inclosed on all sides and with sleeping rooms or lodging apartments, the only windows of which open upon or into such court or light well, shall provide a proper escape from such inside court or light well through a room or rooms or otherwise.

Section 1589. Inspection by the State dairy and food commissioner.—For the purpose of carrying out the provisions of this chapter, the State dairy and food commissioner is authorized and required to inspect, through his officers and agents, all hotels in the State at least once every year, and as often thereafter during the year as may be deemed necessary. He shall see that every part of said hotel and immediate surroundings are sanitary, and that all utensils used in the hotel, particularly those used in the preparation and serving of food, are in all respects clean.

Section 1590. Duty of dairy and food commissioner; certificate posted; inspection.—It shall be the duty of the State dairy and food commissioner to see that all of the provisions of this chapter are enforced and complied with. If upon inspection of any hotel it shall be found that this law has been fully complied with, the State dairy

and food commissioner shall issue a certificate to that effect to the person operating the same, and such certificate shall be kept posted in plain view in some conspicuous place in said hotel. The inspectors of the dairy and food commissioner are empowered and authorized to enter any hotel at all reasonable hours to make such inspection, and it is made the duty of every person in the management or control of such hotel to afford free access to every part of the hotel, and render all aid and assistance necessary to enable the inspector to make a full, thorough and complete examination thereof; but no inspector shall violate the privacy of any guest in said rooms without his consent.

Section 1592. Commissioner must notify owners, et cetera, of a hotel that it fails to comply with the law.—It shall be the duty of the State dairy and food commissioner, upon ascertaining by inspection or otherwise that any hotel is being carried on contrary to any of the provisions of this chapter, to notify the manager, or proprietor, in writing, in what respect it fails to comply with the law, and requiring such person, within a reasonable time, to be fixed by the said dairy and food commissioner, to do or cause to be done the things necessary to make it comply with the law, whereupon such proprietor or manager shall forthwith comply with such requirements.

Section 1593. Obstructing an inspector; punishment.—Any owner, manager, agent or person in charge of a hotel, or any other person who shall willfully obstruct, hinder or interfere with an inspector in the proper discharge of his duty, or who shall willfully fail or neglect to comply with any of the provisions of this chapter after notice as aforesaid, shall be guilty of a misdemeanor; and upon conviction thereof be fined not exceeding one hundred dollars. If, upon a return visit of inspection to a hotel that has previously failed to comply with the law and has received one notice thereof, the inspector shall find that the law is still being violated, he shall without further notice prosecute the proprietor, manager or person in charge. In addition thereto, he may in his discretion, order the hotel closed for such length of time as may be necessary to put same in sanitary condition.

Section 1595. Hotel to be kept clean; receptacles of water to be protected.—The proprietor of every hotel shall keep the same clean and in a sanitary condition, and all wells, pumps, cisterns, tanks and other sources or receptacles from which water is taken to be drunk by the guests, shall be effectually protected against human, animal or insect contamination.

2. Section fifteen hundred and ninety-one of the Code of Virginia is hereby repealed.

CHAP. 21.—An ACT to amend and re-enact section 5758 of the Code of Virginia, and to repeal an act entitled an act to amend section 2844 of the Code of Virginia, as heretofore amended, in relation to public holidays, approved February 20, 1918.

[H B 51]

#### Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-seven hundred and fifty-eight of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 5758. Public holidays; when bills, notes and so forth, otherwise presentable on any such holiday or on Saturday to be presentable. -In each year, the first day of January, nineteenth day of January (known as Lee-Jackson day), the twenty-second day of February, the thirtieth day of May (Confederate memorial day), the third day of June (Jefferson Davis day), the fourth day of July, the first Monday in September (known as labor day), the Tuesday next following the first Monday in November (known as election day), the eleventh day of November (armistice day), the twenty-fifth day of December, or whenever any of said days shall fall on Sunday, the Monday next following such day, and any day appointed or recommended by the governor of this State or the president of the United States as a day of thanksgiving or fasting and prayer, or other religious observances, shall be a legal holiday; and every Saturday after twelve o'clock noon, shall be a half holiday as to the transaction of all business, except as to maturity, the presentment for acceptance or payment and the protesting of negotiable instruments, as hereinafter provided. But no contract made, instrument enacted, or act done on any of said public holidays, or on any Saturday, whether before or after twelve o'clock noon, shall be thereby rendered invalid, and nothing in this section shall be construed to prevent or invalidate the entry, issuance, service or execution of any writ, summons, confession, judgment, order or decree, or other legal process whatever, or the session of the proceedings of any court or judge on any of the said public holidays or Saturdays, either before or after twelve o'clock noon; nor to prevent any bank, banker, banking corporation, firm or association from keeping their doors open and transacting any lawful business on any of the said public holidays or Saturdays.

2. An act entitled an act to amend section twenty-eight hundred and forty-four of the Code of Virginia, as heretofore amended, in relation to public holidays, approved February twentieth, nineteen

hundred and eighteen, is hereby repealed.

CHAP. 22.—An ACT to annex to the county of Chesterfield a part of the county of Henrico.

[H B 54]

Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That so much of the county of Henrico, the land portion of which is designated as Farrar Island on United States Geological Survey map,

entitled "Virginia Bermuda Hundred Sheet" (edition of August, eighteen hundred and ninety-four, reprinted nineteen hundred and seventeen), as lies southwest of a line beginning at the point of intersection of the low water line on the western side of James river with the prolongation of the south line of the property conveyed by Henry Cox to the city of Richmond, by deed dated November 29, 1887, recorded in the clerk's office of Henrico county in deed book 122, page 238, and running thence in a southeastern direction and in a straight line to the point of intersection of said property line with the low water line on the south side of the James river—a total distance of about one-half mile—shall be, and the same is hereby, annexed to, and is henceforth a part of the county of Chesterfield and of Bermuda magisterial district of said county. There is however, excepted from the operation of this act so much of said Farrar Island as was occupied by the town or settlement of Henricopolis in the year sixteen hundred and twenty-two.

CHAP. 23.—An ACT to authorize and empower the board of supervisors of Cumberland county to levy a special district road tax for Hamilton district in Cumberland county, and to pay out of the same certain debts due to contractors for work done on roads in said district. [H B 15]

#### Approved February 17, 1922.

Be it enacted by the general assembly of Virginia, that the board of supervisors of Cumberland county, Virginia, is authorized and empowered to assume and pay the claims hereinafter mentioned, and to levy a special district road tax in Hamilton district of Cumberland county sufficient to pay the said claims in the amounts set forth hereinafter to the following contractors for road work done in said district under contracts with the board of supervisors of said county of Cumberland, to-wit:

To H. P. Baker the sum of twenty-four hundred seventy five

dollars and ninety-seven cents.

To Hamilton Construction Company, sixteen hundred and sixteen dollars and ninety-eight cents.

To Battershill & Goode, the sum of fifteen hundred seventy-five

dollars and twenty-three cents.

To Sanderson & Parker, the sum of sixteen hundred thirty-seven dollars and eleven cents.

The said special tax shall be collected by the treasurer of said county, but shall be kept in a special fund for the payment of the claims aforesaid; and the said board of supervisors is hereby authorized upon the passage of this act to issue to the contractors aforesaid, warrants for the amount respectively above stated to be paid them out of said special fund.

The taxes levied under the provision of this act are in addition to

any other taxes or levies now provided by law.

An emergency existing, this act shall be in force from its passage.

CHAP. 24.—An ACT to amend and re-enact sections 7, 9 and 48 of an act entitled an act to define the corporate limits and charter of the city of Williamsburg, approved March 17, 1884, as amended by an act approved March 5, 1900, as amended by an act approved March 20, 1916, and as amended by an act approved March 14, 1918.

[H B 56]

#### Approved February 17, 1922.

- 1. Be it enacted by the general assembly of Virginia, That sections seven, nine and forty-eight of an act entitled an act to define the corporate limits and charter of the city of Williamsburg, approved March seventeenth, eighteen hundred and eighty-four, as amended by an act approved March fifth, nineteen hundred, as amended by an act approved March twentieth, nineteen hundred and sixteen, and as amended by an act approved March fourteenth, nineteen hundred and eighteen, be amended and re-enacted to read as follows:
- 7. The municipal officers of said city shall consist of a mayor, six (6) councilmen, a city sergeant, a treasurer and a commissioner of the revenue, to be elected by the qualified voters of said city, and such additional policemen as may be required to properly police and protect the said city, to be appointed by the city council for such time as to said council may seem proper, and upon such salary as said council may prescribe.
- 9. The power and authority of said mayor and councilmen shall, in addition to those mentioned and authorized by this act, be such as are mentioned and prescribed by the Code of Virginia, nineteen hundred and nineteen, as amended, except that the said council shall not levy in addition to capitation, a greater tax for all purposes than at the rate of two dollars and fifty cents upon the one hundred dollars value of real and personal property within the corporate limits.
- 48. For the execution of its powers and duties, the city council may raise taxes, annually, by assessment in said city on all subjects taxable by this State, the taxation of which by cities and towns is not forbidden by general law, such sums of money as they shall deem necessary to defray the expenses of the same, and in such manner as they shall deem expedient (in accordance with the laws of this State and the United States) provided, that no tax upon real and personal property in said city shall exceed in addition to the capitation, two dollars and fifty cents upon the one hundred dollars assessed value thereof, as provided in section nine of this act.

CHAP. 25.—An ACT to amend and re-enact section 4 of chapter 8 of an act entitled an act to amend and re-enact all acts creating and amending the charter of the city of Lynchburg, approved March 13, 1918. [H B 26]

#### Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That section four of chapter eight of an act entitled an act to amend and re-enact all acts creating and amending the charter of the city of Lynchburg,

approved March thirteenth, nineteen hundred and eighteen, be amended and re-enacted so as to read as follows:

Sec. 4. The council may impose a tax of one dollar per annum upon each resident of the city who has attained the age of twenty-one years.

2. An emergency existing, this act shall be in force from its passage.

CHAP. 26.—An ACT for the protection of deer in the counties of Northumberland, Westmoreland, Lancaster, Richmond, King George and Stafford. [H B 125]

#### Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to hunt or kill deer in the counties of Northumberland, Westmoreland, Lancaster, Richmond, King George and Stafford at any time within five years from the passage of this act. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof fined one hundred dollars.

2. The possession of venison or the skin or other part of a deer shall be taken as prima facie evidence of guilt under this act.

CHAP. 27.—An ACT for the protection of deer in the county of Gloucester.

[H B 22]

Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to hunt or kill deer in the county of Gloucester at any time within five years from the passage of this act. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof fined one hundred dollars.

2. The possession of venison or the skin or other part of a deer shall be taken as prima facie evidence of guilt under this act.

CHAP. 28.—An ACT to amend the charter of the town of Appalachia, Virginia, by adding section 3-a thereto. [H B 131]

#### Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That the charter of the town of Appalachia, approved March first, nineteen hundred and six, be and the same hereby is amended by adding thereto a new section to be known as section three-a, authorizing the council of said town to direct the payment to the mayor of said town a salary not exceeding eighteen hundred dollars per annum.

Sec. 3-a. That the council of said town may direct the payment to the mayor of said town of a salary not exceeding eighteen hundred

dollars per annum, payable as the council may direct; and that the mayor shall not receive any compensation for his services in trying violations of the town ordinances or for other services rendered the town, except the salary fixed by the council, and all fees for such services rendered by him shall be paid into the treasury of the town.

CHAP. 29.—An ACT to amend and re-enact section 1 of chapter 7 of an act entitled an act to amend and re-enact all acts creating and amending the charter of the city of Lynchburg, approved March 13, 1918. [H B 17]

#### Approved February 17, 1922.

- 1. Be it enacted by the general assembly of Virginia, That section one of chapter seven of an act entitled an act to amend and re-enact all acts creating and amending the charter of the city of Lynchburg, approved March thirteenth, nineteen hundred and eighteen, be amended and re-enacted so as to read as follows:
- Sec. 1. There shall be for said city a judge of the corporation court; a Commonwealth's attorney; a clerk of the corporation court; a treasurer; a sergeant, and a commissioner of the revenue, each of which shall be elected in the manner and at the time, and shall hold office for the term prescribed by law; they shall respectively perform such duties, have such powers, and be liable to such penalties as may be prescribed by the laws of the State or the ordinances of the city, made in pursuance thereof; and for all services performed for said city by the treasurer or by the commissioner of the revenue, or performed under any ordinance or resolution of the council, such officers shall receive such compensation as may be fixed by the council.

CHAP. 30.—An ACT to amend and re-enact sections 10, 22, 23, 56 and 65 of an act approved April 2, 1902, entitled an act to provide a new charter for the town of Covington, in the county of Alleghany, and to repeal all other acts with reference thereto.

[H B 91]

#### Approved February 17, 1922.

- 1. Be it enacted by the general assembly of Virginia, That sections ten, twenty-two, twenty-three, fifty-six and sixty-five of the charter of the town of Covington be amended and re-enacted so as to read as follows;
- Sec. 10. Election of a mayor and eight councilmen of the said town shall be held biennially at such place in each ward of the town as shall be designated by the council thereof and upon such dates as prescribed by the general law of the State. Such elections shall be held under the rules and regulations and subject to such provisions as the council may prescribe. Notice of the time and place of the holding of elections under this act shall be published at least ten days before the holding of such election by the posting by the town

sergeant of printed handbills in at least five public places in each ward of said town. The mayor and councilmen elected under this

act shall qualify according to law.

Sec. 22. The salary of the mayor of the town as now constituted or hereafter elected, if any be allowed by the town council, shall be fixed by the council, payable at stated periods; and no regulation diminishing such compensation after it is once fixed shall be made to take effect until after the expiration of the term for which the mayor then in office shall have been elected. All fees which, but for this section, would be collectable by the mayor for his personal use in the trial of cases and in the issuance of writs shall be collected by the mayor and delivered by him to the treasurer of the town as rapidly as collected, taking the treasurer's receipt therefor, which shall be his voucher therefor. The salary of the mayor, when fixed, shall so continue until changed by the town council, but no salary allowed the mayor under this section shall be more than fifteen hundred dollars per year.

Sec. 23. The town council may, by ordinance, prescribe what compensation, if any, shall be paid to members of the council; provided, however, that such compensation for services as councilmen shall not in any year exceed the sum of one hundred and fifty dollars

to each member of the said council.

Sec. 56. Any bonds which may be issued under this act may be either registered or coupon bonds and shall be issued in such denomination and bear such rate of interest not exceeding six per centum per annum as may be determined by the council and such bonds shall be made payable in not exceeding thirty years from their date, and may, at the option of the council, be made redeemable after such time as the council may prescribe; the interest shall be made payable annually or semi-annually as the council may determine; and the council may exempt any or all of such bonds from town taxation; in which case a clause to that effect shall be inserted in each bond. The treasurer shall endorse on each bond issued and sold a certificate to the effect that the town of Covington has received the amount of said bond from the holder and when such certificate is so endorsed upon said bond and signed by the treasurer the title of the purchaser shall in no case be questioned nor shall the purchaser or any subsequent holder be required to see to the proper application of the money by the town, and the validity of such bonds shall never thereafter be questioned. All bonds issued by virture of this act shall be signed by the mayor and countersigned by the clerk of the council and shall have the seal of the town affixed thereto, and such bonds shall be issued and sold and the proceeds used under the orders of the council. Every bond issued by the council shall state on its face for what purpose it was issued. and the proceeds of such bonds shall be applied exclusively for the purpose for which said bonds were issued; but the bonded debt of the town shall at no time exceed the limits placed thereon by the Constitution of Virginia, and provided, always, that no bonds shall be issued or sold for the purpose



of subscribing to the stock of any company for internal improvement or other purposes, and nothing contained in this charter shall be held to authorize the council to endorse or guarantee the bonds of any

person or corporation whatever.

Sec. 65. The council shall annually, at its regular meeting in May, or as soon thereafter as practicable, order a levy upon all male and female persons within said town over twenty-one years of age and on all real estate within said town not exempt from State taxation and on all such personal property and other subjects as may at the time be subject to taxation by the State, the taxation of which by cities and towns is not forbidden by general law; provided, however, that the tax on persons shall be fifty cents and the tax levied for general purposes shall in no year exceed the aggregate amount of the levy in the county of Alleghany for the county and road purposes in such year, and the maximum rate of taxation shall not be increased except by an amendment to this charter.

2. The town of Covington now being in a serious condition because of a lack of sufficient water supply, and it being desirous of at once calling an election for the purpose of issuing bonds with which to increase its water supply, which is necessary to be done before the summer months, and owing to the general financial situation the sale of bonds is difficult, particularly at a rate of interest lower than six per centum, and it being of the utmost importance that the town of Covington have every opportunity to sell its proposed water bonds, this act is declared an emergency act and shall

be in force from its passage.

Section 4, sub-section (11). To join with the city of Bristol, Tennessee, or the Bristol-Goodson Water Company (a Virginia corpo-

CHAP. 31.—An ACT to amend and re-enact sub-section (11) of section 4. sub-section (b) of section 16, sub-section (j) of section 31, and section 63, of an act entitled an act to provide a new charter for the city of Bristol, and to repeal all acts or parts of acts in conflict therewith, and to declare all contracts and obligations heretofore or hereafter made by the present council and government of the city of Bristol and all powers heretofore or hereafter exercised by them, while in office to be legal and valid, approved March 19, 1920.

[H B 135]

Approved February 17, 1922.

<sup>1.</sup> Be it enacted by the general assembly of Virginia, That subsection (eleven) of section four, subsection (b) of section sixteen, sub-section (j) of section thirty-one, and section sixty-three, of an act entitled an act to provide a new charter for the city of Bristol, and to repeal all acts or parts of acts in conflict therewith, and to declare all contracts and obligations heretofore and hereafter made by the present council and government of the city of Bristol, and all powers heretofore and hereafter exercised by them, while in office, to be legal and valid, approved March nineteen, nineteen hundred and twenty, be and the same are, hereby amended and re-enacted, so as to read as follows:

ration owned by the city of Bristol, Tennessee), separately or jointly, in acquiring, developing, maintaining, and operating, leasing, or otherwise handling any water power properties, pipe lines, reservoirs, pumping stations, filtering plants, purification processes, and other works, and auxiliary steam plants, in the States of Virginia and Tennessee, or in either of said States, for the purpose of supplying water and electric current, or either, for the use of the inhabitants of the cities of Bristol, Virginia and Tennessee, and vicinity; and to that end the city of Bristol, Virginia, is authorized to make the city of Bristol, Tennessee, its trustee or agent to hold title to property in Tennessee, or for any other purpose the city of Bristol, Virginia, may deem proper; and the city of Bristol, Virginia, is authorized to act as trustee or agent for the purpose of holding title to property in Virginia for the city of Bristol, Tennessee, or for any other purpose the city of Bristol, Tennessee, may desire and the city of Bristol, Virginia, may deem proper.

Section 16, sub-section (b). Every ordinance of a general or permanent nature shall be published in full once within ten days after its final passage by posting a copy thereof at the front door of the court house in the city, or when ordered by the council, by publication in a newspaper published or circulated in the city for such time as the council may direct; provided that the foregoing requirements as to publication shall not apply to ordinances reordained in or by a general compilation or codification of ordinances printed by

authority of the council.

Section 31, sub-section (j). The police justice shall keep a regular account of all fines, forfeitures, and costs imposed for the violation of the city ordinances, and make such reports as may be required by ordinance or resolution of the council. The chief of police shall collect such fines, forfeitures and costs and report and pay over the same monthly or oftener as required. The police justice shall, until othewise provided in accordance with section thirty-one (a) of this charter, receive such fee as a justice of the peace and such fee as may be allowed by general law for each warrant issued or tried, or submitted for violation of city ordinances, to be assessed in the case as other costs of trial; but in no case shall said fee be paid by the city.

Section 63. Elections.—Each ward in the city of Bristol shall be a separate election district; and the council of the city of Bristol shall designate the voting places in each election district in the city, and, until otherwise designated by the council of the city of Bristol, the elections shall be held at the following places: In the first ward, at the high school building; in the second ward, at the court house and city hall; in the third ward, at the public school building on Washington street. The duly constituted and authorized officials shall take proper steps for registering the voters and holding the elections in accordance herewith.

CHAP. 32.—An ACT to amend and re-enact section 1, of chapter 8, of the charter of the city of Danville, Virginia, approved February 17, 1890, entitled an act to incorporate the city of Danville, relating to temporary loans, the borrowing of money, the limit of oustanding indebtedness, the issuing of certain bonds in serial form, to be made payable in annual instalments, to the right of the city council to create debts and to the maintenance of a sinking fund for certain bonds of said city; as amended and re-enacted by an act approved February 19, 1900, as amended and re-enacted by an act approved March 8, 1902, as amended and re-enacted by an act approved December 12, 1903, as amended and re-enacted by an act approved on the fifth day of February, 1916, as amended and re-enacted by an act approved March 16, 1916. [H B 134]

# Approved February 17, 1922.

Be it enacted by the general assembly of Virginia, That section one, chapter eight, of the charter of the city of Danville, Virginia, relating to the improvement of roads in Pittsylvania county, temporary loans, the borrowing of money, the limit of outstanding indebtedness, the issuing of certain bonds in serial forms to be made payable in instalments, to the right of the city council to create debts and to the maintenance of a sinking fund for certain bonds of said city; as amended and re-enacted by an act approved February nineteenth, nineteen hundred, as amended and re-enacted by an act approved February first, nineteen hundred and one, as amended and re-enacted by an act approved March eight, nineteen hundred and two, as amended and re-enacted by an act approved December twelfth, nineteen hundred and three, as amended and re-enacted by an act approved on the fifth day of February, nineteen hundred and sixteen, as approved and re-enacted by an act approved March sixteenth, nineteen hundred and sixteen, be amended and re-enacted so as to read as follows:

Sec. 1. The council shall have power and authority, in the name and for the use and benefits of said city, to borrow money on temporary loans for a period not exceeding twelve months and for an amount not exceeding, in the aggregate at any one time, the sum of one hundred and fifty thousand dollars (\$150,000.00), and issue therefor notes, bonds or other evidences of debt.

The council shall also have power and authority, in the name and for the use and benefit of said city, to borrow money and contract debts, and issue, negotiate and sell notes, bonds and certificates of debt; and, moreover, to issue, negotiate and sell bonds of the city to be used in the payment, discharge and redemption, or refunding of any outstanding bonds of said city, whenever said bonds shall mature or become subject to call. But said city shall not issue bonds or other interest bearing obligations for any purpose, or in any manner, to an amount, which, including existing indebtedness, shall at any time exceed eighteen per centum of the assessed valuation of the real estate of said city, subject to taxation, as shown by the last preceding assessment for taxes; provided, however, that in determining this limitation to incur indebtedness, there shall not be included the classes of indebtedness specifically provided for by sub-

sections (a) and (b) of section one hundred and twenty-seven of the

Constitution of Virginia.

That no bonds issued by the council of the city of Danville for and on behalf of said city, after July first, nineteen hundred and twenty-two, shall be made payable a greater number of years after their date than the estimated life of the improvement or undertaking on account of which the debt is to be created; provided, that in no event shall a debt of said city be made payable more than thirty years after the date thereof, and provided further, that the city council may determine the estimated life of any such improvement or undertaking and the judgment of the council in making said estimate shall be conclusive.

That all bonds, including refunding bonds, issued by said city council, for and on behalf of said city, after July first, nineteen hundred and twenty-two, shall be issued in serial form, that is to say, the aggregate of the principal of the debt to be created shall be divided into equal annual instalments, payable annually, with the first annual instalment falling due one year after the date of said bond, with interest payable annually or semi-annually, as the council may determine; provided, however, that nothing herein contained, shall be construed to require the issue in serial form of bonds or other obligations issued in anticipation of the collection of the revenue of said city for the then current year, and maturing within one year from the date of their issue.

Except for the current expenses aforesaid, except for the said bonds issued to refund the bonded indebtedness of said city, and except as to such bonds as the council of said city may issue, negotiate and sell to raise funds for the erection, enlargement, extension, maintenance and repair of the gas, water, and electric plants, or works, of the city, and other public utilities from which the city derives a revenue, said council shall not, in the name of the city contract any debt or issue any bonds or other evidences of debt, in an amount exceeding ten thousand dollars, until the question of contracting such indebtedness or issuing such bonds, or other evidences of debt, shall have been first submitted to a vote of the qualified voters of the city, and shall be approved by two-thirds of such voters, voting at such election, which two-thirds shall include a majority of the qualified registered voters owning real estate in said city; provided, that said council shall have the power to issue, negotiate and sell bonds of the city of Danville to the amount of, but not exceeding, one hundred thousand dollars, when the proceeds from the sale thereof is to be used exclusively for the erection, enlargement, extension or repair of the gas, water, electric and other revenue producing plants or works of said city, without submitting the question to the vote of the people.

The council shall annually set aside from the resources of said city a sum equal to one per centum of the aggregate bonded indebtedness of said city, not payable within one year, whether heretofore or hereafter contracted, except that no sinking fund shall be required



for bonds hereafter issued in serial form; provided, however, that nothing herein contained shall be construed to authorize the council to discontinue any sinking fund which may be required for bonds issued pursuant to clause (b) of section one hundred and twenty-seven, of the Constitution of Virginia of nineteen hundred and two. The fund thus set aside shall be called the "Sinking Funds" and shall be applied to the payment of the bonded indebtedness of said city as it shall become due, and if no part be due and payable, the sinking fund shall be invested in the bonds or other certificates of indebtedness of said city, or of the State of Virginia, of the United States, or of any other State of the Union.

2. An emergency existing, this act is hereby declared an emergency act, and shall be in force from its passage.

CHAP. 33.—An ACT to amend and re-enact sections 10, 11 and 23 of the charter of the town of Salem, as heretofore amended. [H B 89]

### Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That sections ten, eleven and twenty-three of the charter of the town of Salem as heretofore amended, be amended and re-enacted so as to read as follows:

Sec. 10. That the said council shall have power and authority to make all necessary provisions to prevent accidents by fire; to designate such parts of said town as it may deem advisable within which no building of wood shall be erected; to regulate and control the erection of all buildings by ordinance, and to order the removal of any building which shall hereafter be erected contrary to such regulations, at the expense of the builder or owner thereof, and to cause any building which clearly appears to be unsafe to be taken down, at the expense of the owner thereof; to supply the town with water for all necessary purposes, to prevent the pollution of water and injuries to the water works; it shall have jurisdiction now or as may hereafter be given by general law to towns for such purpose, to organize fire companies, and to purchase engines, hose, fire hooks, ladders, and other fixtures necessary and useful for preventing accidents by fire; to establish, enlarge, maintain and operate a system of sewerage, gas works, electric light works, purchase or erect, operate and maintain a telephone system to be owned and operated by the council of the town of Salem, within and without the limits of said town of Salem, poorhouse for the reception and maintenance of the poor and destitute, burying ground and stone quarry within and without the said town, and to contract or agree with the owner or owners of land for the use or purchase thereof, or to have the same condemned according to law for the location, extension, or enlargement of its said works, water pipes, wire and fixtures connected therewith, poorhouse, burying ground and stone quarry, and shall have power by ordinance or otherwise to protect from injury the said works,

pipes, wire, fixtures, poorhouse, burying ground, stone quarry and land, or anything connected therewith, whether within or without the limits of said town. The council of the said town shall also have power and authority to negotiate any loan or loans, in the manner prescribed by law, for the purpose of buying necessary real estate for the erection of buildings, for the purchase of any and all material for its water works, gas, electric light works, poorhouse, burying ground, stone quarry and sewers, bridges, streets, side walks and alleys, and the construction of same, and for the purchase or erection, operation and maintenance of a telephone system, and for the general improvement of the town, so that the amount borrowed shall not exceed that allowed by law, and shall have authority to issue registered or coupon bonds for said loan or loans, payable at not more than thirty years after date of said bonds, bearing interest at a rate not greater than six per centum per annum, payable semi-annually. But the said council shall not proceed to issue the bonds mentioned in this section until the question of whether or not the said bonds shall be so issued and sold for the purposes named shall first be submitted to the qualified voters of the town of Salem at a special election to be called by the council for that purpose, which said special election shall be called by proper ordinance, and in all other respects be conducted under the general laws governing special elections. The ordinance calling said special election shall recite the total amount of bonds proposed to be issued, the rate of interest they shall bear and the amount to be issued for each of the several purposes mentioned in this section, and said ordinance shall provide that such election is to be held in order that the qualified voters may vote as to whether or not there shall be an issue of bonds for any one or more of the purposes aforesaid and the amount proposed for each purpose shall be named in the ordinance. The ballot shall be so arranged as to permit a registered and qualified voter to vote for or against any one or more. or all of said proposed public improvements. If, at the election to be so called, a majority of the qualified voters should cast their ballots in favor of the issue of said bonds for any one or more or all of said purposes, then the council shall proceed to issue and sell the same as herein provided. The said council shall prescribe the manner of sale and terms upon which said bonds shall be sold, provided the same shall not be sold for less than par. It shall provide by proper tax levy or appropriation for the payment of interest on same and the creation of a sinking fund to retire said bonds at maturity.

The council shall also have power and authority to establish markets, and regulate the same, to regulate the sale of fresh meats of all kinds, and to regulate huckstering and peddling upon the streets of the town; to graduate and pave, or in any other manner, improve the streets, walks, and alleys of said town, and to have them kept in good order, and properly lighted and paved, and to require the payment by the property owners benefited by such works or improvements, of such portion of the cost thereof as may be allowed by law, and to make such sum a lien upon their real estate and collectible in

the same manner as hereinafter provided for the collection of taxes generally; to prevent the cumbering or obstruction of the street, sidewalks, alleys, lanes or bridges in the said town in any manner whatever, and to have full and complete control of same; to change, direct, and protect the water courses in said town; to prevent and punish, by reasonable fines, the practice of firing guns, or in any manner setting fire to powder within said town; to regulate and direct the location of all buildings for storing gunpowder, nitroglycerine, dynamite, or any other explosive; to regulate and prohibit the exhibition of fireworks and making of bonfires (in sheds or yards) within the said town; to license and regulate shows and other exhibitions and the same to be taxed to such extent as they may deem reasonable and expedient; to prescribe rules for the orderly building of houses and chimneys; to regulate blacksmith shops, and all other shops, structures and businesses considered likely to occasion accidents by fire, and the erection of stoves and stovepipes, to regulate the erection of privies, stables and cowsheds, and to prescribe their location; to regulate butcher stalls and slaughter houses; to remove and abate nuisances within said town at the expense of those who may occasion them, or the owner or owners of the land whereon the same may be; to restrain the exercise of any dangerous, offensive or unwholesome business, trade or employment therein; to require and compel the owners or occupants of houses in the town to connect their water closets and water drains with the sewers of the town or otherwise comply with such regulations as to sewerage as the council may prescribe; to prohibit horses, mules, dogs, cows and other animals from running at large within the limits of said town; to prohibit and regulate the raising and keeping of hogs in said town; or any part thereof; to prevent the exhibition of stud horses and jackasses in said town; to prevent riding, driving, or movement of horses or other animals or vehicles of any kind at a fast or improper speed. throwing stones, or committing any act on the streets, sidewalks or alleys, dangerous to or annoying to persons on same, and to punish the abuse or cruel treatment of horses or other animals in said town; to prevent vice and immorality, obscenity or profanity; to restrain and punish drunkards and street beggars and vagrants; to suppress houses of ill fame and gambling houses, and to punish persons engaged in gambling; generally to pass all by-laws, ordinances, or regulations, or orders not contrary to the Constitution and laws of the United States, or this State, which the said council may think necessary and proper for carrying into effect the foregoing powers, and such other powers as are now or may hereafter be vested in them by the laws of this State; and to amend or repeal the same at their pleasure, and to enforce the observance of such by laws, ordinances, orders, and regulations under penalties not exceeding one hundred dollars, or imprisonment not exceeding six months, or both; fines to be recovered, with costs, in the name of said town, before the mayor, or any councilman of said town, in the absence of the mayor, and applied in aid of the taxes imposed upon said town.

. Sec. 11. The council of said town may appoint annually an assessor, if deemed necessary, who shall be a qualified voter of said town, and who shall assess the value of all the real and personal property in the corporate limits of said town except the public lots, lands, and buildings belonging to the county of Roanoke, located in said town, and such other real and personal property as may be exempt by law of the State from assessment for taxation. And said council shall have power and authority to levy and collect annually a tax on the real and personal property and on all other property assessable for local purposes in the corporate limits of said town, except the public lots, lands and buildings belonging to the county of Roanoke, and on such other subjects within the said town as are or may be taxed by the revenue laws of the State, or allowed by this charter, and on dogs belonging to persons residing in said town, and for the privilege of carrying on any business, trade or profession within the corporate limits; provided, that the tax on real estate, personal property and on all other property assessable for local purposes shall not be more than sufficient to raise the revenue each year necessary to defray the legitimate expenses of said town, and that the poll tax shall not exceed one dollar on every male and female resident over twenty-one years of age in any one year, who is not pensioned by the State for military service; and for the purpose of carrying on any trade, business, occupation, or profession, within said town by persons residing without the corporate limits, the tax shall not exceed in any one year the tax imposed by the said council on persons residing within the corporate limits for carrying on like business, trade, profession or occupation. Should any person carry on any such trade, business, profession, or occupation without obtaining license therefor and paying the tax required by ordinance, he shall be prosecuted as for violation of the ordinances of said town as hereinbefore provided.

Sec. 23. The said council shall have power by proper ordinance to prohibit the manufacture, use, sale, offering for sale, transportation, keeping for sale, of ardent spirits, and drinking in public places, and concealing ardent spirits, and for the violation of any such ordinance there may be imposed by said council such fines and penalties, not less than fifty dollars, nor more than five hundred dollars, and imprisonment not less than one nor more than six months.

2. Inasmuch as there is an urgent need for the public improvements authorized by this act, an emergency is declared to exist and

this act shall take effect from its passage.



[VA

CHAP. 34.—An ACT to authorize the board of supervisors of Wise county to issue bonds or other obligations of said county on behalf of Roberson magisterial district thereof for a sum not exceeding \$100,000.00, for the purpose of financing the construction of that section of the secondary line of route number eleven of the State highway system from Pound to the Dickenson county line at George's Fork Gap, and to levy taxes to pay the interest thereon and to create a sinking fund for the payment of the principal of said bonds at maturity.

[H B 34]

## Approved February 17, 1922.

Whereas, the board of supervisors of Wise county, by resolution adopted on the tenth day of January, nineteen hundred and twenty-two, has declared it to be the desire of Roberson magisterial district of said county to immediately improve that section of the secondary line of route number eleven of the State highway system from Pound to the Dickenson county line at George's Fork Gap within said district in accordance with the terms and provisions of chapter one hundred and eighty-four of acts of the general assembly of Virginia of nineteen hundred and twenty, and has requested the general assembly of Virginia to grant to the said board the power to issue and sell bonds or other obligations of said county on behalf of said district for such purpose; therefore,

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Wise county be, and it is hereby, authorized and empowered, in its discretion, to proceed immediately, or from time to time, as it may deem expedient, to issue bonds or other obligations of Wise county, for and on behalf of Roberson magisterial district of said county, not exceeding in the aggregate the sum of one hundred thousand dollars, for the purpose of providing funds to finance the construction of that section of the secondary line of route number eleven of the State highway system from Pound to the Dickenson county line at George's Fork Gap within said magisterial district, in accordance with the provisions of chapter one hundred and eighty-four of acts of the general assembly of Virginia of nineteen hundred and twenty; such bonds or obligations to be payable or redeemable at such time or times, not exceeding thirty years, from the date of issue, and to bear interest payable at such times and at such rate, not exceeding six per centum per annum, and to be in such denominations, and either coupon or registered, as the said board of supervisors may determine. There shall be printed in the face of said bonds or obligations the following: "These bonds (or obligations) are issued for the purpose of financing road construction in Roberson magisterial district of Wise county, but the full faith and credit of Wise county is pledged for the payments of the interest thereon and the principal thereof at maturity." The sale of such bonds or obligations may be conducted and effected in such manner as the said board of supervisors may determine: provided they shall not be sold at less than their par value.

2. The said board of supervisors shall annually levy a tax upon all the property within the said magisterial district subject to taxa-

tion for such purpose, including such property located, or the situs whereof for taxation may be within the limits of all the incorporated towns of said magisterial district, at such rate as will be sufficient to pay the interest on said bonds, or obligations, and to create a sinking fund for the payment of the principal thereof at maturity.

3. By reason of the fact that the public interest requires that said road work be commenced as soon as possible, an emergency is hereby declared to exist, and this act shall be in force from its passage.

CHAP. 35.—An ACT to authorize the boards of supervisors of Wise county to issue bonds or other obligations of said county for a sum not exceeding \$185,000.00 for the purpose of financing road construction in said county, and to levy taxes to pay the interest thereon and to create a sinking fund for the payment of the principal thereof at maturity.

[H B 33]

# Approved February 17, 1922.

Whereas, the board of supervisors of Wise county, by resolution adopted on the tenth day of January, nineteen hundred and twenty-two, has declared it to be the desire of said county to immediately improve that section of the secondary line of route number eleven of the State highway system from Pound to the Virginia-Kentucky line at Pound Gap, in accordance with the terms and provisions of chapter one hundred and eighty-four of acts of the general assembly of Virginia of nineteen hundred and twenty, and has requested the general assembly of Virginia to grant to said board the power to issue and sell bonds or other obligations of said county of for such purpose; therefore,

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Wise county be, and it is hereby, authorized and empowered, in its discretion, to proceed immediately, or from time to time, as it may deem expedient, to issue bonds or other obligations of Wise county, not exceeding in the aggregate the sum of one hundred and eighty-five thousand dollars, for the purpose of providing funds to finance the construction of that section of the secondary line of route number eleven of the State highway system from Pound to the Virginia-Kentucky boundary line at Pound Gap, in accordance with the provisions of chapter one hundred and eighty-four of acts of the general assembly of nineteen hundred and twenty; such bonds or obligations to be payable or redeemable at such time or times, not exceeding thirty years from the date of issue, and to bear interest payable at such times and at such rate, not exceeding six per centum per annum, and to be of such denominations. and either coupon or registered, as the said board of supervisors may determine. The sale of such bonds or obligations may be conducted and effected in such manner as the said board of supervisors may determine; provided they shall not be sold at less than their par value.

2. The said board of supervisors shall annually levy a tax upon all the property within the said county subject to taxation for such purpose, including such property located, or the situs whereof for taxation may be, within the limits of all the incorporated towns of said county, at such rate as will be sufficient to pay the interest on said bonds, or obligations, and to create a sinking fund for the payment of the principal thereof at maturity.

3. By reason of the fact that the public interest requires that said road work be commenced as soon as possible, an emergency is hereby declared to exist and this act shall be in force from its

passage.

CHAP. 36.—An ACT to amend and re-enact sections 1 and 2 of an act approved February 11, 1896, entitled an act to constitute the town of Leesburg, and adjoining territory a separate school district, and to authorize the council of said town to appoint or elect school trustees for said district; and to repeal sections 3, 4, 5, 6 and 7 of the aforesaid act; and to repeal all acts or parts of acts relating to the school district for the town of Leesburg, inconsistent with the present general law.

[H B 146]

### Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That an act to constitute the town of Leesburg and adjoining territory a separate school district, and to authorize the council of said town to appoint or elect school trustees for said district, as approved February eleventh, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

Section 1. That the town of Leesburg, in the county of Loudoun, together with the territory adjacent thereto and embraced within the outer boundaries of the tracts of land hereinafter set out in section two of this act, be, and the same is hereby constituted a separate school district to be known as "The school district for the town of Leesburg," by which name it may sue and be sued, contract and be contracted with, and be governed by and subject to all the provisions of the general school law as found in the Constitution, and the Code of nineteen hundred and nineteen, and acts amendatory thereof.

Section 2. There shall be attached to the aforesaid town of Leesburg so much of the outlying territory as is embraced within the outer boundaries of the following tracts of land, owned or formerly owned by the following named persons: Beginning with the farm of J. H. Fadeley, where it joins the land of C. A. Ellmore, thence with said outer boundary thereof to the outerlines of the lands of George T. Metzger, George W. Survick, Mistress Joseph Rhodes, J. W. Foster, Mistress J. F. Bowles, J. P. Brinton, R. T. Hempstone, Charles P. Janney, the homeplace of the late T. W. Edwards estate, Henry Schulke, Wallace George, Mistress Horatio Trundle, Mistress R. A. Paxton, E. B. Harrison, Henry Harrison (Ball's Bluff place), the lands of John Thomas' estate, Doctor C. S. Carter, Emil Schulke,



C. A. Ellmore, to the said H. J. Fadeley's land the beginning, and any other tracts omitted to be mentioned necessary to constitute a continuous outer boundary of said school district.

2. Sections three, four, five, and six of the said act, approved February eleventh, eighteen hundred and ninety six, are hereby

repealed.

3. All acts, or parts of acts enacted prior to this present session, relative to the school district for the town of Leesburg, inconsistent with the general school law, as found in said chapter of the Code of nineteen hundred and nineteen, and acts amendatory thereof, are hereby repealed.

4. An emergency existing, this act shall take effect from the

date of its passage.

CHAP. 37.—An ACT to authorize and empower the board of supervisors of Halifax county to borrow \$40,000 and to issue notes therefor for the purpose of paying off the indebtedness existing against the county road fund and the general county fund of said county. [S B 30]

# Approved February 17, 1922.

Whereas there is an outstanding indebtedness against the county road fund and the general county fund of Halifax; and

Whereas, it is deemed advisable by the board of supervisors of said county that notes should be issued for the purpose of funding

the said indebtedness; therefore

1. Be it enacted by the general assembly of Virginia as follows:

Sec. 1. The board of supervisors of Halifax county is hereby authorized and empowered to borrow a sum not exceeding forty thousand dollars, and to issue notes therefor, said notes to be issued in such denominations as the said board may provide, and shall be payable in ten years, bearing interest not exceeding six per centum per annum. The said notes shall not be sold for less than par, and may be redeemed by the board of supervisors at any time after the expiration of five years from their date of issue.

Sec. 2. The notes authorized by this act shall be signed by the chairman of the board of supervisors and countersigned by the clerk thereof, and the proceeds thereof shall be used by the said board in retiring the indebtedness that appears against the county road fund and the general county fund on November thirtieth, nineteen

hundred and twenty-one.

Sec. 3. The treasurer of Halifax county shall annually set aside, out of the general-levy, and charge against the respective funds in the proportion as the said indebtedness exists, a sum sufficient to pay the interest on the said notes and to create a sinking fund to redeem the principal thereof at maturity.

Sec. 4. An emergency existing, this act shall be in force from

its passage.

CHAP. 38.—An ACT to amend and re-enact section 2131 of the Code of Virginia. [S B 58] Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That section two thousand one hundred and thirty-one of the Code of Virginia be amended and re-enacted to read as follows:

Sec. 2131. Number plate.—Number plates in duplicate shall also be delivered to the applicant by the secretary of the Commonwealth, upon which the number assigned shall be painted in arabic numerals of a suitable size to be determined by the secretary of the Commonwealth, followed by the letters "Va.", and in figures the year for which issued, and such plates shall always be in evidence upon the front and rear of the machines, and view of same shall not be obscured by dirt, grease, bumper, tire, tireholder or any other substance or object.

CHAP. 39.—An ACT to authorize "Occupational Therapy" to be provided for children in certain institutions. [S B 74]

### Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That occupations known under the name of "Occupational Therapy," with part time or whole time services of one or more occupational aides, may be provided in hospitals and other institutions, wholly or partially supported by the State, which care for children either physically or mentally disabled.

CHAP. 40.—An ACT to amend and re-enact section 3486 of the Code of Virginia.

# Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-four hundred and eighty-six of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 3486. Clerks of supreme court of appeals; to whom cost of printing record is charged; when case dismissed if cost of printing not paid; amount taxed for printing to be paid into treasury.-The clerk of the supreme court of appeals shall have the same fees as a clerk of a circuit court for similar services. In every case wherein printing is done under section sixty-three hundred and fifty-seven the clerk of the supreme court of appeals shall charge in such cases, to the appellants or plaintiffs in error, the cost of printing the record, which shall be paid or secured to be paid, to the clerk before the printing is done. As soon as the case is docketed after the appeal, writ of error, or supersedeas is allowed, the clerk of the said court shall notify the appellant or his counsel of record of the amount of such costs, and if the same are not paid within ninety days from the date of such notice the case shall be dismissed, which costs so paid, or secured to be paid, shall be recovered and paid by the parties, respectively, as the court shall direct. The clerk shall account for and pay into the treasury of the State the amount taxed for printing the record, and he shall charge the appellant or plaintiff in error for his services in superintending and examining the printing, indexing, distributing, and filing the records, conducting the correspondence, et cetera, at the rate of one and a half cents for every ten words actually printed in the record, which shall be paid in every case before the hearing.

CHAP. 41.—An ACT to amend and re-enact section 6337 of the Code of Virginia.
[S B 108]
Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That section six thousand three hundred and thirty-seven of the Code of

Virginia be amended and re-enacted to read as follows:

Sec. 6337. When prohibited.—No petition shall be presented for an appeal from, or writ of error or supersedeas to, any final judgment, decree, or order, whether the Commonwealth be a party or not, which shall have been rendered more than six months before the petition is presented, or if it be an appeal from a final order, judgment or finding of the State corporation commission which shall have been rendered more than six months before the petition is presented; nor to any judgment of a circuit or corporation court, which is rendered on an appeal from a judgment of a justice, except in cases where it is otherwise expressly provided; nor to a judgment, decree, or order of any court when the controversy is for a matter less in value or amount than three hundred dollars, exclusive of costs, unless there be drawn in question a freehold or franchise or the title or bounds of land, on the action of the State corporation commission or some matter not merely pecuniary; provided, however, that if the final decree from which an appeal is asked is a decree refusing a bill of review to a decree rendered more than six months prior thereto, no appeal from or supersedeas to such decree so refusing a bill of review shall be allowed unless the petition be presented within six months from the date of such decree.

CHAP. 42.—An ACT authorizing the board of supervisors of Page county to issue time warrants for a sum not exceeding \$10,000, and to provide for the cashing of same. [S B 107]

Approved February 17, 1922.

<sup>1.</sup> Be it enacted by the general assembly of Virginia, That the board of supervisors of Page county be authorized to issue time warrants of the said county not exceeding in the aggregate the sum of ten thousand dollars, and to secure the cashing of said warrants

in anticipation of the collection of taxes and levies for the years nineteen hundred and twenty-two and nineteen hundred and twenty-three. Such warrants shall be signed by the chairman of the board of supervisors and countersigned by the clerk thereof, and shall bear interest at a rate not exceeding six per centum per annum. The board of supervisors shall provide for the payment of the said warrants out of the general levy of the county.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 43.—An ACT to authorize the councils or other governing bodies of cities of the Commonwealth to divide the municipal area into one or more districts, and in such districts to regulate the use of land and of buildings or other structures, and the height thereof, and also to establish building lines and to regulate and restrict the construction and location of buildings and other structures. [S B 96]

# Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That for the promotion of the health, safety, morals, comfort, prosperity, and general welfare of the general public, the council or other governing body of any city may, by ordinance divide the area of the city into one or more districts of such shape and area as may be deemed best suited to carry out the purposes of this act, and in such district or districts may establish set back building lines, regulate and restrict the location of buildings and other structures, their height, area and bulk, the percentage of lot to be occupied by buildings or other structures, the size of courts and other open spaces, and the trade, industry, residence and other specific uses of the premises in such district or districts; provided, that nothing in this act contained shall be construed as intended to authorize the impairment of any vested right.

CHAP. 44.—An ACT prescribing the number of times of commencement of the regular terms of court of the eighth judicial circuit. [S B 43]

# Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That the number and times of commencement of the regular terms of court of the eight judicial circuit shall be as follows:

Albemarle—First Monday in February, April, June, August, Octo-

ber and December.

Madison—First Monday in January, March, May, July, September and November.

Greene—Third Monday in January, March, May, July, September and November.

2. All acts or parts of acts in conflict with this act are hereby repealed.

CHAP. 45.—An ACT to amend and re-enact section 6348 of the Code of Virginia, as amended by an act approved March 19, 1920. [S B 56]

### Approved February 17, 1922.

1. Be it enacted by the general assembly of Virginia, That section sixty-three hundred and forty-eight of the Code of Virginia, as amended by an act approved March nineteenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Section 6348. When appeal, etc., allowed; when supersedeas awarded; when petition to be rejected; when rejection final.—The court or judge, to whom the petition is duly presented, if of opinion that the decision complained of ought to be reviewed, may allow an appeal or writ of error, and in either case may award a supersedeas to stay proceedings in whole or in part. Upon presentation of such petition, either to the court or any judge, counsel for the petitioner shall be afforded, if he so desires, reasonable opportunity to state orally his reason or reasons why such appeal or writ of error should be granted. The petition shall be rejected when it is from an interlocutory decree or order, if the court or judge to whom it is presented deems it proper that the case should be proceeded in further in the court below before an appeal is allowed therein. If the court shall deem the judgment, decree, or order complained of plainly right, and reject the petition on that ground, the order of rejection shall so state, and no other petition therein shall afterwards be entertained. But the rejection of such petition by a judge in vacation shall not prevent the presentation of such petition to the court at its next term.

CHAP. 46.—An ACT to authorize and empower the board of supervisors of the county of Henrico to borrow money and issue bonds for the purpose of repairing and enlarging the courthouse of said county. [S B 67]

### Approved February 17, 1922.

Be it enacted by the general assembly of Virginia, as follows: Sec. 1. The board of supervisors of Henrico county is hereby authorized and empowered to borrow a sum not exceeding twenty thousand dollars and to issue bonds therefor, the proceeds of said bonds to be used for the purpose of repairing and enlarging the court house of said county.

Sec. 2. The bonds authorized by this act shall be signed by the chairman of the board of supervisors of Henrico county and countersigned by the clerk thereof; they shall be issued in such denominations as the said board may provide, and shall be payable within fifteen years after date, bearing interest not exceeding six per centum per annum, payable semi-annually. The said bonds shall not be sold for less than par, and the board of supervisors shall have the right to redeem the whole issue or any part thereof at any time after the expiration of ten years from their date of issue.

Sec. 3. The board of supervisors shall annually set aside out of the general levy a sum sufficient to pay the interest on the said bonds and to create a sinking fund to redeem the principal thereof at maturity.

Sec. 4. An emergency existing, this act shall be in force from its passage.

CHAP. 47.—An ACT to legalize, validate, and confirm a certain ordinance of the city of Charlottesville approved by the mayor on May 7, 1920, and a certain election held in the city of Charlottesville June 8, 1920, both of which relate to the negotiation of a city loan of not exceeding \$953,000.00, and to the issuance by the city of coupon bonds therefor, and to legalize, validate and confirm all other proceedings of the said city, its officials and agents relating to the said loan and the said bond issues and to authorize the mayor and councils of the city to proceed to issue and sell such bonds to the amount of \$935,000.00 for the following municipal purposes; \$200,000.00 for water supply; \$50,000.00 for sewers; \$35,000.00 for gas; \$25,000.00 for existing unbonded debt; \$480,000.00 for streets; \$125,000.00 for government buildings, and \$20,000.00 for fire department equipment; and to declare said bonds, when executed, valid and binding obligations of the city of Charlottesville.

Approved February 17, 1922.

Whereas, an ordinance was adopted by the common council of the city of Charlottesville, on the fourth day of May, nineteen hundred and twenty, and was concurred in by the board of aldermen of the said city, and approved by its mayor, on the seventh day of May, nineteen hundred and twenty, by which it was ordained that the said city negotiate a loan not exceeding nine hundred and fifty-three thousand dollars, and issue coupon bonds therefor to extend and improve the city's water supply and for other municipal purposes. and wherein it was ordered that an election be held by the qualified voters of the said city to approve and sanction the issue of such bonds; and

Whereas, by virture of an order of the corporation court for the city of Charlottesville entered on the eighth day of May, nineteen hundred and twenty, an election was held on the eight day of June, nineteen hundred and twenty, by the duly qualified voters of the said city for the purpose of determining the question whether the issue of such bonds should be approved and sanctioned; and

Whereas, the canvass of the returns of said election showed that the sum of two hundred thousand dollars was voted to extend and improve the city's water supply, that the sum of fifty thousand dollars was voted for sewers, that the sum of thirty-five thousand dollars was voted for gas, that the sum of twenty-five thousand dollars was voted for existing unbonded debt, that the sum of four hundred and eighty thousand dollars was voted for streets, that the sum of one hundred and twenty-five thousand dollars was voted for government building, and the sum of twenty thousand dollars was voted for fire department equipment, and that the sum of eighteen thousand dollars for remodelling armory was defeated at said election, said canvass of the returns showing that the issuance of bonds to the

amount of nine hundred and thirty-five thousand dollars, as above set forth, was sanctioned at said election; and

Whereas, the said city has been unable to sell and dispose of said bonds by reason of doubt as to the legality of the ordinance and election above recited and of the other proceedings of the said city, its officials and agents, relating to the loan and bond issue authorized thereby; now therefore,

Section 1. Be it enacted that the general assembly of Virginia hereby validates, legalizes and confirms a certain ordinance adopted by the common council of the city of Charlottesville, Virginia, on the fourth day of May, nineteen hundred and twenty, and concurred in by the board of aldermen of the said city, and approved by its mayor, on the seventh day of May, nineteen hundred and twenty, wherein it was ordained that the said city negotiate a loan not exceeding nine hundred and fifty-three thousand dollars, and issue coupon bonds therefor on terms therein prescribed, for the following municipal purposes:

Two hundred thousand dollars for water.

Fifty thousand dollars for sewers.

Thirty-five thousand dollars for gas.

Twenty-five thousand dollars for existing unbonded debt. Four hundred and eighty thousand dollars for streets.

One hundred and twenty-five thousand dollars for government building.

Twenty thousand dollars for fire department equipment.

Eighteen thousand dollars for remodeling armory.

and wherein it was further ordained that the proceeds of such bonds be used exclusively for such purposes, and that the amount apportioned for bonding floating debt, for erection of a government building, for the betterment of the fire department, and for remodelling the armory should not be increased, but that any or all of these four named apportionments, and if necessary, the apportionment for streets, might be reduced and the sum of the reduction added to the amount apportioned to water supply improvement, and that if not more than two hundred thousand dollars be required for water supply improvement any unexpended remainder of the sums apportioned to the utilities named might, after such utilities have been properly provided for, be assigned to streets; and also validates, legalizes and confirms a certain election held on the eighth day of June, nineteen hundred and twenty, pursuant to the terms of the said ordinance at which the question of the issue of said bonds was submitted to the duly qualified voters of the city of Charlottesville, and at which all of the said issue, except eighteen thousand dollars for remodelling armory, was sanctioned and approved by the affirmative vote of a majority of said qualified voters, including a majority of the votes cast by tax payers at such election; and also validates, legalizes and confirms all other proceedings whatsoever of the said city of Charlottesville, its officials and agents, relating to the said loan and the said bond issue.

- Sec. 2. And be it further enacted that the mayor, common council and board of aldermen of the said city are hereby authorized, without further sanction or approval by the qualified voters or tax payers of the said city than that given at said election, to proceed to issue and sell bonds of said city as in said ordinance provided, but not exceeding nine hundred and thirty-five thousand dollars in amount; and that the said bonds when executed and delivered pursuant to law shall be valid and binding obligations of the city of Charlottesville, Virginia.
- Sec. 3. It appearing that an emergency exists by reason of the fact that said city has already undertaken the construction of a filtration plant and other public utilities, contemplated at said election, this act shall be in force from its passage.

CHAP. 48.—An ACT to encourage the co-operative marketing of farm products in Virginia, to provide for and authorize the incorporation of co-operative marketing associations or exchanges and the licensing to do business in Virginia of similar corporations created in other States under similar laws.

[H B 61]

# Approved February 18, 1922.

- 1. Be it enacted by the general assembly of Virginia, That: Declaration of policy.—In order to promote, foster and encourage the intelligent and orderly marketing of agricultural products through co-operation; and to eliminate speculation and waste; and to make the distribution of agricultural products between producer and consumer as direct as can be efficiently done; and to stabilize the marketing of agricultural products, this act is passed.
  - 2. Definitions as used in this act:
- (a) The term "agricultural products" shall include horticultural, viticultural, forestry, dairy, live stock, poultry, bee, and any other farm products;
- (b) The term "member" shall include actual members of associations without capital stock and holders of common stock in associations organized with capital stock;
- (c) The term "association" means any corporation organized under this act; and
- (d) The term "person" shall include individuals, firms, partner-ships, corporations, and associations.

Associations organized hereunder shall be deemed non-profit, inasmuch as they are not organized to make profits for themselves, as such, or for their members, as such, but only for their members as producers.

This act shall be referred to as the "co-operative marketing act."

3. Who may organize.—Five (5) or more persons engaged in the production of agricultural products may form a non-profit, co-operative association, with or without capital stock, under the provisions of this act.

- 4. Purposes.—An association may be organized to engage in any activity in connection with the marketing or selling of the agricultural products of its members, or with the harvesting, preserving, drying, processing, canning, packing, storing, handling, shipping, or utilization thereof, of the manufacturing or marketing of the byproducts thereof; or in connection with the manufacturing, selling, or supplying to its members of machinery, equipment, or supplies; on in the financing of the above enumerated activities; or in any one or more of the activities specified herein.
- 5. Preliminary investigation.—Every group of persons contemplating the organization of an association under this act is urged to communicate with the director of the division of markets of the State department of agriculture, and the director of extension division, of the State college of agriculture, who will inform it whatever a survey of the marketing conditions affecting the commodities to be handled by the proposed association indicates regarding probable success.
- 6. Powers.—Each association incorporated under this act shall have the following powers:
- (a) To engage in any activity in connection with the marketing, selling, harvesting, preserving, drying, processing, canning, packing, storing, handling, or utilization of any agricultural products produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof or in connection with the purchase, hiring, or use by its members of supplies, machinery or equipment; or in the financing of any such activities; or in any one or more of the activities specified in this section. No association, however, shall handle the agricultural products of any non-member.
  - (b) To borrow money and to make advances to members.
- (c) To act as the agent or representative of any member or members in any of the above mentioned activities.
- (d) To purchase or otherwise acquire, and to hold, own, and exercise all rights or ownership in, and to sell, transfer, or pledge shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the handling or marketing of any of the products handled by the association.
- (e) To establish reserves and to invest the funds thereof in bonds or such other property as may be provided in the by laws.
- (f) To buy, hold, and exercise all privileges of ownership, over such real or personal property as may be necessary or convenient for the conducting and operation of any of the business of the association, or incidental thereto.
- (g) To do each and everything necessary, suitable, or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects herein enumerated; or conducive to or expedient for the interests or benefit of the association; and to contract accordingly, and in addition, to exercise and possess all powers, rights, and privileges necessary or incidental to the purposes for which the association is organized or to the activities in

which it is engaged; and in addition, any other rights, powers, and privileges granted by the laws of this State to ordinary corporations, except such as are inconsistent with the express provisions of this

act; and to do any such thing anywhere.

Members.—(a) Under the terms and conditions prescribed in its by-laws, an association may admit as members, or issue common stock, only to persons engaged in the production of the agricultural products to be handled by or through the association, including the lessees and tenants of land used for the production of such products and any lessors and landlords who receive as rent part of the crop raised on the leased premises.

If a member of a non-stock association be other than a natural person, such member may be represented by any individual, associate, officer, or member thereof, duly authorized in writing.

(c) One association organized hereunder may become a member or stock holder of any other association or associations, organized

hereunder.

8. Articles of incorporation.—Each association formed under this act must prepare and file articles of incorporation, setting forth:

The names of the association.

- The purposes for which it is formed.
- (c) The place where its principal office in this State is to be located.
  - The period, if any, limited for the duration of the association. (d)
- The number of directors thereof, which must not be less than five (5), and may be any number in excess thereof, their names and addresses and the term of office of such directors.
- If organized without capital stock, whether the property rights and interests of each member shall be equal or unequal; and if unequal, the articles shall set forth the general rule or rules applicable to all members by which the property rights and interests, respectively, of each member may and shall be determined and fixed; and this association shall have the power to admit new members who shall be entitled to share in the property of the association with the old members, in accordance with such general rule or rules. This provision of the articles of incorporation shall not be altered, amended, or repealed except by the written consent or the vote of two-thirds of the members.
- (g) If organized with capital stock, the amount of such stock and the number of such shares into which it is divided and the par value thereof. The capital stock may be divided into common and preferred stock. If so divided, the articles of incorporation must contain a statement of the number of shares of stock to which preference is granted and the nature and extent of the preference and privileges granted to each.

The articles must be subscribed by the incorporators and acknowledged by them before an officer authorized by the law of this State to take and certify acknowledgment of deeds and conveyances: and shall be filed in accordance with the provisions of the general corporation law of this State; and when so filed the said articles of incorporation, or certified copies thereof, shall be received in all the courts of this State, and other places, as prima facie evidence of the facts contained therein, and of the due incorporation of such association. A certified copy of the articles of incorporation and by-laws, and amendments, shall also be filed with the director of the division of markets, of the State department of agriculture, and the director of extension division of the State agricultural college.

9. Amendments to articles of incorporation.—The articles of incorporation may be altered or amended at any regular meeting or any special meeting called for that purpose. An amendment must be approved by two-thirds of the directors, and then adopted by a vote representing a majority of all the members of the association, except as herein otherwise provided. Amendments to the articles of incorporation, when so adopted, shall be filed in accordance with the provisions of the general corporation law of this State.

10. By-laws.—Each association incorporated under this act, must, within sixty (60) days after its incorporation, adopt for its government and management a code of by-laws, not inconsistent with the powers granted by this act. A majority vote of the members or stockholders, or the written assent, is necessary to adopt such by-laws. Each association under its by-laws may also provide for any or all of the following matters:

(a) The time, place, and manner of calling and conducting its meetings.

(b) The number of stockholders or members constituting a quorum.

- (c) The right of members or stockholders to vote by proxy or by mail, or by both, and the conditions, manner, form, and effects of such votes.
  - (d) The number of directors constituting a quorum.
- (e) The qualifications, compensations, and duties and terms of office of directors and officers; time of their election, and the mode and manner of giving notice thereof.
  - (f) Penalties for violations of the by-laws.
- (g) The amount of entrance, organization, and membership fees, if any, the manner and method of collection of the same, and the purposes for which they may be used.
- (h) The amount which each member or stockholder shall be required to pay annually or from time to time, if at all to carry on the business of the association, the charge, if any, to be paid by each member or stockholder for services rendered by the association to him, and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.
- (i) The number and qualifications of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to



transfer their stock; the manner of assignment and transfer of the interest of members and of the shares of common stock; the conditions upon which, and time when membership of any member shall cease; the automatic suspension of the rights of a member when he ceases to be eligible to membership in the association, and mode, manner, and effect of the expulsion of a member; manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or stockholder, or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, by conclusive appraisal by the board of directors. In case of the withdrawal or expulsion of a member the board of directors shall equitably and conclusively appraise his property interests in the association, and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion or withdrawal.

11. General and special meetings; how called.—In its by-laws each association shall provide for one or more regular meetings annually. The board of directors shall have the right to call a special meeting at any time, and ten per centum of the members or stockholders may file a petition stating the specific business to be brought before the association, and demand a special meeting at any time. Such meetings must thereupon be called by the directors. Notice of all meetings, together with a statement of the purposes thereof, shall be mailed to each member at least ten days prior to the meeting; provided, however, that the by-laws may require instead that such notice may be given by publication in a newspaper of general circulation, published at the principal place of business of the association.

- 12. Directors; election.—(a) The affairs of the association shall be managed by a board of not less than five directors, elected by the members or stockholders from their own number. The by-laws may provide that the territory in which the association has members shall be divided into districts, and that the directors shall be elected according to such districts. In such case the by-laws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association. The by-laws may provide that primary elections should be held in each district to elect the directors apportioned to such districts, and the result of all such primary elections must be intified by the next regular meeting of the association.
- \*(b): The by-laws shall provide that one or more directors shall be appointed by the director of agricultural extension or any other public official or commission. The directors so appointed need not be members or stockholders of the association, but shall have the same powers and rights as other directors.
- (c) An association may provide a fair remuneration for the time actually spent by its officers and directors in its service. No director, during the term of his office, shall be a party to a contract for profit with the association differing in any way from the business relations



accorded regular members or holders of common stock of the association, or to any other kind of contract differing from terms generally current in that district.

(d) When a vacancy on the board of directors occurs, other than by expiration of term, the remaining members of the board, by a majority vote, shall fill the vacancy, unless the by-laws provide for an election of directors by district. In such case the board of directors shall immediately call a special meeting of the members or stockholders in that district to fill the vacancy; provided, that this subsection shall not apply to the director or directors appointed under the provisions of subsection (b) of this section; provided further, that any vacancy occuring in the office of a director appointed under subsection (b) of this section shall be filled in the same manner as the original appointment was made.

13. Election of officers.—The directors shall elect from their number a president and one or more vice-presidents. They shall also elect a secretary and treasurer, who need not be directors or members, and they may combine the two latter offices and designate the combined office as secretary-treasurer. The treasurer may be a bank or any depository, and as such shall not be considered an officer, but as a function of the board of directors. In such case the secretary shall perform the usual accounting duties of the treasurer, excepting that the funds shall be deposited only as authorized by the board of

directors.

14. Stock; membership certificates; when issued; voting; liability; limitation on transfer of ownership.—(a) When a member of an association established without capital stock has paid his membership fee in full, he shall receive a certificate of membership.

(b) No association shall issue stock to a member until it has been fully paid for. The promissory notes of the members may be accepted by the association as full or partial payment. The association shall hold the stock as security for the payment of the note, but such retention as security shall not affect the member's right

to vote.

(c) Except for debts lawfully contracted between him and the association, no member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his membership fee or his subscription to the capital stock, including any unpaid balance on any promissory notes given in payment thereof.

(d) No stockholder of a co-operative association created under this act shall own more than one-twentieth of the common stock of the association; and an association, in its by-laws, may limit the amount of common stock which one member may own to any amount

less than one-twentieth of the common stock.

(e) No member or stockholder shall be entitled to more than one vote.

(f) Any association organized with stock under this act may issue preferred stock, with or without the right to vote, such stock may be redeemable or retirable by the association on such terms and



conditions as may be provided for by the articles of incorporation and printed on the face of the certificate.

(g) The by-laws shall prohibit the transfer of the common stock of the association to persons not engaged in the production of the agricultural products handled by the association, and such restrictions must be printed upon every certificate of stock subject thereto.

(h) The association may at any time, except when the debts of the association exceed fifty per centum (50%) of the assets thereof, buy in or purchase its common stock at book value thereof as conclusively determined by the board of directors, and pay for it in

cash within one (1) year thereafter.

15. Removal of officer or director.—Any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition signed by ten per centum of the members, requesting the removal of the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association, and by a vote of a majority of the members, the association may remove the officer or director and fill the vacancy. The director or officer against whom such charges have been brought shall be informed in writing of the charges previous to the meeting, and shall have an opportunity at the meeting to be heard in person or by counsel, and to present witnesses; and the person or persons bringing the charges against him shall have the same opportunity.

In case the by-laws provide for election of directors by districts with primary elections in each district, then the petition for removal of a director must be signed by twenty per centum of the members residing in the district from which he was elected. The board of directors must call a special meeting of the members residing in that district to consider the removal of the director. By a vote of the majority of the members of that district, the director in question shall be removed from office: Provided, that this section shall not apply to directors appointed under subsection (b) of section twelve of this act.

16. Referendum.—The by-laws may provide that upon demand of one-third of the entire board of directors, any matter that has been approved or passed by the board must be referred to the entire membership or the stockholders for decision at the next special or regular meeting; provided, however, that a special meeting may

be called for the purpose.

17. Marketing contract.—(a) The association and its members may make and execute marketing contracts, requiring the members to sell, for any period of time, not over ten years, all or any specified part of their agricultural products or specified commodities exclusively to or through the association or any facilities to be created by the association. The contract may provide that the association may sell or resell the products delivered by its members, with or without taking title thereto, and pay over to its members the resale price, after deducting all necessary selling overhead, and other costs and expenses, including interest or dividends on preferred stock,



not exceeding eight per centum per annum, and reserves for retiring the stock, if any; and other proper reserves; and interest or dividends not exceeding eight per centum per annum upon common stock.

(b) The by-laws and the marketing contract may fix, as liquidated damages, specific sums to be paid by the member or stockholder to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of products; and may further provide that the member will pay all costs, premium for bonds, expenses and fees in case any action is brought upon the contract by the association; and any such provision shall be valid and enforceable in the courts of this State.

(c) In the event of any such breach or threatened breach of such merketing contract by a member, the association shall be entitled to an injunction to prevent the further breach of the contract, and to a decree of specified performance thereof. Pending the adjudication of such an action, and upon filing a verified complaint showing the breach or threatened breach, and upon filing a sufficient bond, the association shall be entitled to a temporary restraining

order and preliminary injunction against the member.

18. Purchasing business of other associations, persons, firms, or corporations; payment; stock issued.—Whenever an association organized hereunder with preferred capital stock, shall purchase the stock or any property, or any interest in any property of any person, firm, or corporation or association, it may by agreement with the other party or parties to the transaction discharge the obligation so incurred, wholly or in part, by exchanging for the acquired interest shares of its preferred capital stock to an amount which at par value would equal a fair market value of the stock or interest so purchased, as determined by the board of directors. In that case the transfer to the association of the stock or interest purchased shall be equivalent to payment in cash for the shares of stock issued.

19. Annual reports.—Each association formed under this act shall prepare and file annually with the State corporation commission and with the division of markets of the State department of agriculture, on forms furnished by the State corporation commission, a report containing the names of the association, its principal office, and a general statement of its business operations during the fiscal year, showing the amount of capital stock paid up, and the number of stockholders of a stock association or the number of members and amount of membership fees received, if a non-stock association; the total expenses of operations; the amount of its indebtedness, or

liability and its balance sheets...

20. Conflicting laws not to apply.—Any provisions of law which are in conflict with this act shall not be construed as applying to the

associations herein provided for.

21. Limitation of use of term "co-operative."—No person, firm, corporation, or association hereafter organized or doing business in this State, as an agricultural producers co-operative marketing ac-



tivity, shall be entitled to use the word "co-operative" as part of its corporate or other business name or title unless it has complied with the provisions of this act. Any person, firm, corporation, or association now organized for or doing an agricultural producers co-operative marketing business in this State, and embodying the word "co-operative" as part of its corporate or other business name or title, and which is not organized in compliance with the provisions of this act, must, within six months from the date at which this act goes into effect, eliminate the word "co-operative" from its said corporate or other business name or title.

22. Interest in other corporations or associations.—An association may organize, form, operate, own, control, have interest in, own stock of, or be a member of any other corporation or corporations, with or without capital stock, and engaged in preserving, drying, processing, canning, packing, storing, handling, shipping, utilizing, manufacturing, marketing, or selling or buying of the agricultural products handled by the association, or the by-products thereof. If such corporations are warehousing corporations, they may issue legal warehouse receipts to the association, or to any other person, and such legal warehouse receipts shall be considered as adequate collateral to the extent of the current value of the commodity represented thereby. In case such warehouse is licensed or licensed and bonded under the laws of this State or the United States, its warehouse receipt shall not be challenged or discriminated against because of ownership or control, wholly or in part, by the association.

23. Contracts and agreement with other associations.—Any association may, upon resolution adopted by its board of directors enter into all necessary and proper contracts and agreements, and make all necessary and proper stipulations, agreements and contracts and arrangements with any other co-operative corporation, association, or associations, formed in this or in any other State, for the co-operative and more economical carrying on of its business, or any part or parts thereof. Any two or more associations may, by agreement between them, unite in employing and using or may separately employ and use the same methods, means, and agencies for carrying on and

conducting their respective business.

Sec. 24. Associations heretofore organized may adopt the provisions of this act. Any co-operative marketing association or corporation organized under the general corporation laws of this State, or under previously existing statutes of this State, may be brought under the provisions of this act and be entitled to all the benefits thereof, and be subject to all the provisions, restrictions and limitations thereof, in the following manner:

The board of directors or other managing body of such association or corporation shall, at a duly convened meeting, adopt a resolution finding it advisable that such association or corporation be brought under the provisions of this act, and calling a meeting of the stockholders or members to take action thereon. The meeting of the members of the stockholders shall be held pursuant to notice given in

accordance with the laws of the State of Virginia, under which such corporation then exists, and the by-laws of the corporation. If a majority in number of the stockholders or members of such association or corporation shall vote in favor of bringing such association or corporation under the provisions of this act, a certificate thereof shall be made by the president or one of the vice-presidents, under the seal of the corporation, attested by its secretary, and acknowledged by them before an officer authorized by the laws of this State to take acknowledgments of deeds, which certificate, together with the articles of incorporation, made pursuant to section eight of this act (except that such articles of incorporation shall be signed by the president, or one of the vice-presidents, under the seal of the corporation, attested by its secretary, and acknowledged by them before an officer authorized by the laws of this State to take acknowledgments of deeds), and the receipt for the payment of any fee to the State that may be imposed thereon by law, shall be presented to the State corporation commission, which shall ascertain and declare whether the applicants, by complying with the requirements of the law, have entitled themselves to the provisions of this act, and shall issue or refuse same accordingly.

If the same be issued, the certificate and the articles of incorporation, with the order thereon of the commission, shall be certified and recorded in the same manner providing for the certification and recordation of charters granted under the general corporation laws of this State; and as soon as the said certificate and the articles of incorporation are lodged with the secretary of the Commonwealth, the association or corporation shall be a corporation organized and existing under the provisions of this act, and shall be entitled to all the benefits and subject to all the provisions, limitations and restrictions thereof. The filing fee, if any, shall be the same as for

filing an amendment to articles of incorporation.

Sec. 25. Inducing breach of marketing contract; damages; spreading false reports about the finances or management of cooperative association, misdemeanor.—Any person who knowingly induces any member or stockholder of an association or corporation organized hereunder to breach his marketing contract with the association or corporation shall be liable to the association or corporation for the full amount of damages sustained by it by reason of such breach; and any person who maliciously and knowingly spreads false reports about the finances or management of any such association or corporation shall be liable to the association or corporation aggrieved in a civil suit for the actual damage which it may sustain by reason of such false reports, and also in the penal sum of five hundred (\$500.00) dollars for each such act, which may be recovered in the same action.

26. Associations not in restraint of trade.—No association organized hereunder shall be deemed to be a combination in restraint of trade or an illegal monopoly; or an attempt to lessen competition or fix prices arbitrarily, nor shall the marketing contracts or agree-

ments between the association and its members, or any agreements authorized in this act be considered illegal or in restraint of trade.

27. Constitutionality.—If any section of this act shall be declared unconstitutional for any reason, the remainder of the act shall not

be affected thereby.

28. Application of general corporation laws.—The provisions of the general corporation laws of this State, and all powers and rights thereunder, shall apply to the associations organized hereunder, except where such provisions are in conflict with or incon-

sistent with the express provisions of this act.

- Sec. 29. Associations in other States authorized to do business in this State.—Agricultural producers and co-operative corporations or marketing associations, organized in other States under the laws similar to this act, shall be licensed to do business in this State when they shall have complied with the general laws of this State, prescribing the terms and conditions upon which foreign corporations may be licensed to do business in this State; provided, however, they shall be required to pay only the license fees and filing fees prescribed by this act for corporations and associations organized hereunder.
- 30. Annual license fees.—Each association organized hereunder shall pay an annual license fee of ten dollars (\$10) but shall be exempt from all license taxes, or taxes upon capital stock or reserve funds held by it.
- 31. Filing fees.—For filing articls of incorporation, an association organized hereunder with capital stock shall pay such fees as conform to the general law governing corporations, but where organized without capital stock shall pay ten dollars (\$10); and for filing an amendment to the articles, two dollars and one-half (\$2.50).
- Sec. 32. Associations to which this act shall not apply.—This act shall not apply to any corporation, association or organization of farmers, heretofore organized, or any exchange now in existence, organized for mutual help in the marketing of agricultural products and not for profit, unless and until such corporation, association, organization or exchange adopts the provisions hereof, in the manner hereinbefore in section 24 provided.
- 33. Emergency existing.—An emergency existing, this act shall be in force from its passage.

CHAP. 49.—An ACT to amend and re-enact section 5189 of the Code of Virginia as amended by an act approved September 5, 1919, and as further amended by an act approved March 19, 1920.

[H B 48]

#### Approved February 18, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-one hundred and eighty-nine of the Code of Virginia as amended by an act approved September fifth, nineteen hundred and nineteen, and as further amended by an act approved March nineteenth, nineteen

hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 5189. Reservation of title to, and liens on, goods and chattels sold, to be void as to creditors, and purchasers for value, unless in writing and docketed.—Every sale, or contract for the sale of goods and chattels, wherein the title thereto, or a lien thereon, is reserved, until the same be paid for, in whole or in part, or the transfer of title is made to depend on any condition, where possession is delivered to the vendee, shall, in respect to such reservation and condition be void as to creditors of the vendee who acquire a lien upon the goods and as to purchasers from the vendee, for value, without notice, from such vendee unless such sale or contract be evidenced by writing. signed by the vendor and the vendee, setting forth the date thereof, the amount due, when and how payable, a brief description of the goods and chattels, and the terms of the reservation or condition; and unless a memorandum of said writing, setting forth the name of the vendor and vendee, the date thereof, the amount due theron when and how payable, and a brief description of said goods and chattels is filed for docketing with the clerk of the county or corporation, where deeds are admitted to record, as provided by law, in which said goods and chattels may be; provided, that if such filing for docketing be done within five days from the delivery of the goods and chattels to the vendee, it shall be as valid as to creditors and purchasers as if such filing for docketing had been done on the day of such delivery of the goods and chattels; and it shall be the duty of such clerk to endorse on such contract the words "memorandum filed and docketed" together with the day and hour of such filing with the signature of the clerk affixed thereto; or, if such goods and chattels consist of locomotives, cars, or other rolling stock, equipments, or personal property of any description, to be used in or about the operation of any railroad, operating as a public service corporation, until and except from the time the said writing is duly docketed in the clerk's office of the county or the corporation, where deeds are admitted to record, as provided by law, wherein the principal office, in this State, of the company operating such railroad is located, and a copy of said writing be filed in the office of the State corporation commission, and each locomotive, car or other piece of rolling stock, be plainly and permanently marked with the name of the vendor, on both sides thereof, followed by the word "owner."

It shall be the duty of the clerk to docket the writings mentioned herein, in a well bound book, to be called the "conditional sales book," and to index the same, thereon, alphabetically, in the name of both the vendor and vendee, for which service he may charge a fee of twenty-five cents; except in case of public service corporations, he may charge a fee not exceeding fifty cents; but no tax shall be charged thereon.

All recordations and docketings made, as required by law as it existed before the Code of Virginia of nineteen hundred and nineteen became effective, between the thirteenth day of January, nineteen

hundred and twenty and the nineteenth day of March, nineteen hundred and twenty, both inclusive, are hereby validated, except where the validity of such recording or docketing has been or could be attacked or questioned in litigation now pending; and provided, further, that all recordations and docketings made in accordance with an act approved March nineteenth, nineteen hundred and twenty, entitled an act to amend and re-enact section fifty-one hundred and eighty-nine of the Code of Virginia, as amended by an act approved September fifth, nineteen hundred and nineteen, are hereby validated; but nothing in this provision shall be construed as intended to affect vested rights.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 50.—An ACT to extend the time for collecting taxes accounted for by city, county and town treasurers, and not returned delinquent. [H B 39]

# Approved February 25, 1922.

- 1. Be it enacted by the general assembly of Virginia, That all treasurers, ex-treasurers, and their deputies of the several counties, cities and towns of this Commonwealth, and their personal representatives, and the agents of their personal representatives, shall have the further time of one year, from the passage of this act, within which to collect by levy and distress all uncollected taxes in their hands which have not been returned delinquent or insolvent, and for which they have severally accounted to the auditor of public accounts and the boards of supervisors of their respective counties, cities and towns for the years nineteen hundred and six, nineteen hundred and seven, nineteen hundred and eight, nineteen hundred and nine, nineteen hundred and ten, nineteen hundred and eleven, nineteen hundred and twelve, nineteen hundred and thirteen, nineteen hundred and fourteen, nineteen hundred and fifteen, nineteen hundred and sixteen, nineteen hundred and seventeen, nineteen hundred and eighteen, and nineteen hundred and nineteen.
- 2. An emergency existing this act shall be in force from its passage.

CHAP. 51.—An ACT providing for the use of voting machines in cities of fifty thousand inhabitants or more.

[H B 100]

### Approved February 25, 1922.

Be it enacted by the general assembly of Virginia, as follows:

1. Councils of certain cities may purchase and order use of voting machines.—The council of any city in this State, having, according to the last decennial United States census, a population of fifty thousand inhabitants or more may purchase and order the use of voting machines in any one or more voting precincts within said city.

2. Bonds—Certificates of indebtedness.—The city council, on the adoption and purchase of a voting machine, may provide for the payment therefor in such manner as it may deem for the best interest of such city, and may for that purpose issue bonds, certificates of indebtedness, or other obligations, which shall be a charge on the city. Such bonds, certificates or other obligations may be issued with or without interest, payable at such time or times as the council may determine, but shall not be issued or sold at less than par.

3. Commissioners.—The board of State canvassers shall, ex-

officio, be the State board of voting machine commissioners.

4. Examination of machine—Report of commissioners—Compensation.—Any person or corporation owning or being interested in any voting machine may call upon the State board of voting machine commissioners to examine the said machine, and make report to the secretary of the Commonwealth upon the capacity of the said machine to register the will of the votes, its accuracy and efficiency, and with respect to its mechanical perfections and imperfections. Their report shall be filed in the office of the secretary of the Commonwealth and shall state whether in their opinion the kind of machine so examined can be safely used by such voters at elections under the conditions prescribed in this act. If the report states that the machine can be so used, it shall be deemed approved by the said board, and machines of its kind may be adopted for use at elections as herein provided. No form of voting machine not so approved may be used at any election. The State board of voting machine commissioners is authorized to employ such experts as it may deem necessary to assist in the examination of a machine at a cost not exceeding fifty dollars for each examination, the said cost to be borne by the person or corporation applying for such examination.

Construction of machine approved.—A voting machine approved by the State board of voting machine commissioners must be so constructed as to provide a sufficient number of pairs of "yes" or "no" counters with the operating or voting devices therefor, and to provide facilities for voting for the candidates of at least seven different parties or organizations, must permit a voter to vote for any person for any office although not nominated as a candidate by any party or organization, and must permit voting in absolute secrecy. It must also be so constructed as to prevent voting for more than one person for the same office, except where the voter is lawfully entitled to vote for more than one person for that office; and it must afford him an opportunity to vote for any or all persons for that office as he is by law entitled to vote for and no more, at the same time preventing his voting for the same person twice. It may also be provided with one ballot in each party column or row containing only the words "presidential electors," preceded by the party name, and a vote for such ballot shall operate as a vote for all the candidates of such party for presidential electors. Such machine shall be so constructed as to accurately account for every vote cast upon it. It shall also be constructed so that any voter may readily understand



and understandingly and within the period of one minute cast his vote for all candidates of his choice. The machine must be provided with a lock or locks by the use of which any movement of the voting or registering mechanism is absolutely prevented, and so that it cannot be tampered with or manipulated for any fraudulent purpose; and the machine must be susceptible of being so closed during the progress of the voting as that no person can see or know the number of votes registered for any candidate.

6. Experimental use.—The council of any such city may provide for the experimental use at an election in one or more election districts, of a machine which it might lawfully adopt, without a formal adoption thereof; and its use at such election shall be as valid for

all purposes as if it had been lawfully adopted.

7. Duties of local authorities.—The electoral board of any city adopting a voting machine shall, as soon as practicable thereafter, provide for each polling place one or more voting machines in complete working order, and shall thereafter keep them in repair, and shall have the custody thereof and of the furniture and equipment of the polling place when not in use at an election. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election district or districts within the city as the council adopting the same may direct.

8. Ballots—Form.—In any city authorizing the use of voting machines the electoral board thereof shall furnish to the judges of election of the several precincts in which such voting machines are to be used a sufficient number of suitable ballots of such size as will fit the ballot frame, the arrangement of the names of the candidates on such ballots to be prescribed by the said electoral board; provided, that all the provisions of sections one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-seven, and one hundred and fifty-eight of the Code of Virginia not in conflict herewith shall

remain in full force and effect.

9. Sample ballots.—The electoral board shall provide for each voting precinct two sample ballots, which shall be arranged in the form of a diagram showing the entire front of the voting machine as it will appear after the official ballots are arranged for voting on election day. Such sample ballots shall be open to public inspection

at such polling place during the day of election.

10. Duties of election officers—Independent ballots.—The judges of election and clerks of each district shall meet at the voting place therein, at least three-quarters of an hour before the time set for the opening of the polls at each election, and shall proceed to arrange within the guard rail the furniture, stationery and voting machines for the conduct of the election. The judges of election shall then and there have the voting machines, ballots and stationery required to be delivered to them for such election. The judges shall thereupon cause at least two instruction cards to be posted conspicuously within the



polling place. If not previously done, they shall arrange, in their proper place on the voting machine, the ballots containing the names of the offices to be filled at such election, and the names of the candidates nominated therefor. If not previously done, the machine shall be so arranged as to show that no vote has been cast, and the same shall not be thereafter operated, except by electors in voting. Before the polls are open for election, each judge shall carefully examine every machine and see that no vote has been cast, and the same shall be subject to inspection of the election officers. Ballots voted for any person, whose name does not appear on the machine as a nominated. candidate for office, are herein referred to as independent ballots. When two or more persons are to be elected to the same office, and the machine requires that all independent ballots voted for that office be deposited in a single receptacle or device, an elector may vote in or by such receptacle or device for one or more persons whose names do not appear upon the machine with or without the names of one or more persons whose names do so appear. With that exception, and except for presidential electors, no independent ballot shall be voted for any person for any office whose name appears on the machine as a nominated candidate for that office; any independent ballot so voted shall not be counted. An independent ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

11. Voting machine in plain view—Guard rail.—The exterior of the voting machine and every part of the polling place shall be in plain view of the election officers. The voting machine shall be placed at least three feet from every wall and partition of the polling place, and at least three feet from the guard rail, and at least four feet from the clerk's table. A guard rail shall be constructed at least three feet from the machine, with openings to admit electors to and from the machine.

12. Method of voting.—After the opening of the polls, the judges shall not allow any voter to pass within the guard rail until they escertain that he is duly entitled to vote. Only one voter at a time shall be permitted to pass within the guard rail to vote. The operating of the voting machine by the elector while voting shall be secret and obscured from all other persons except as provided by this chapter in cases of voting by assisted electors. No voter shall remain within the voting machine booth longer than one minute, and if he shall refuse to leave it after the lapse of one minute, he shall be removed by the judges.

13. Additional instructions.—In case any elector after entering the voting machine booth shall ask for further instructions concerning the manner of voting, two judges shall give such instructions to him; but no judge or other election officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any such elector to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question,



or proposition. After receiving such instructions, such elector shall vote as in the case of an unassisted voter.

14. Injury to machine.—No voter, or other person, shall deface or injure the voting machine or the ballot thereon. It shall be the duty of the judges to enforce the provisions of this section. During the entire period of an election, at least one of their number, designated by them from time to time, shall be stationed beside the entrance to the booth and shall see that it is properly closed after a voter has entered it to vote. He shall also, at such intervals as he may deem proper or necessary, examine the face of the machine to ascertain whether it has been defaced, or injured, to detect the wrongdoer and to repair any injury.

15. Canvass of vote.—As soon as the polls of the election are closed, the judges of the election thereat shall immediately lock the voting machine against voting and open the counting compartments in the presence of all persons who may be lawfully within the polling

place, and proceed to canvass the vote.

16. Judges to lock machine.—The judges of election shall, as soon as the count is completed and fully ascertained as in this chapter required, lock the machine against voting, and it shall so remain

for the period of five days.

17. Written statements of election.—After the total vote for each candidate has been ascertained, and before leaving the room or voting place, the judges shall make and sign written statements of election, as required by the election laws now in force, except that such statements of the canvass need not contain any ballots except the independent ballots as herein provided.

18. What statutes apply—Separate ballots.—All of the provisions of the election law now in force and not inconsistent with the provisions of this chapter shall apply with full force to all cities adopting the use of the voting machines. Nothing in this chapter shall be construed as prohibiting the use of a separate ballot for constitutional

amendments and other public measures.

19. Primary elections.—If in any city voting machines shall have been adopted under the laws of this State, and shall be on hand for use at regular or special elections, such machines may be used at primary elections in such city. When so used all provisions of the laws of this State providing for or applying to their use at general or special elections not inconsistent with the provisions of this act, and all provisions of this act as far as applicable, shall apply to the use of such voting machines at such primary elections.



CHAP. 52.—An ACT to amend an act approved February 17, 1890, entitled an act to incorporate the city of Danville by amending and re-enacting section 30 under chapter 6, for the purpose of prescribing the manner of election of a city constable, a collector of city taxes, a city attorney, and empowering the city council to prescribe the duties of the aforesaid officers, fix their salaries, or compensation; and also permit the city council to appoint a clerk of the market, inspector of buildings, and such other employees as it may deem necessary and proper and to define their term of office, powers, duties and compensation, and providing for bonds for said officers and the abolishment of any office appointive by the city council, for good cause, as amended and re-enacted by an act approved March 24, 1914.

# Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That an act approved February seventeenth, eighteen hundred and ninety, entitled an act to incorporate the city of Danville, as amended and re-enacted by an act approved March twenty-fourth, nineteen hundred and fourteen, be amended and re-enacted so that section thirty

under chapter six shall read as follows:

Chapter 6, section 30. There shall be elected by the qualified voters of the city of Danville, on Tuesday after the first Monday in November, nineteen hundred and twenty-three, and every four years thereafter, a city constable, whose term of office shall begin on the first day of January, succeeding his election, and continue for four years thereafter, and the city council shall have the power to prescribe his powers and duties and to fix his salary or compensation which shall not be increased or diminished during the term of his office. Before entering upon his duties such constable shall give a bond with good security, in such amount and penalty as the city council may prescribe.

The election of constable under this section shall be held in the same manner and by the same officers who conduct general election

in said city.

Said constable may have such deputies or assistants as the council

may approve.

The council may appoint a city attorney, and a collector of city taxes, after the expiration of their existing terms of office, a clerk of the market, an inspector of buildings, and such other employees as it may deem necessary, and may define their term of office, powers, duties and compensation; and any office which the council has power to create under this section, may, at any time, for good cause, be abolished by it, whether the term of office of the incumbent has expired or not. The council may require bond with good security from any of its employees in such penalty and with such conditions, as it may deem proper.

2. All acts and parts of acts, in conflict with this act are hereby

repealed.



CHAP. 53:—An ACT to amend and re-enact section 54 of an act entitled an act to provide a new charter for the city of Radford, and to repeal all other acts or parts of acts in conflict therewith, approved March 15, 1910.

[H B 171]

## Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-four of an act entitled an act to provide a new charter for the city of Radford, and to repeal all other acts or parts of acts in conflict therewith, approved March fifteenth, nineteen hundred and ten, be and it is hereby amended and re-enacted so as to read as follows:

Section 54. For the execution of its powers and duties, the city council may raise taxes annually by assessment in said city on all subjects taxable by the State, the taxation of which by cities and towns is not forbidden by general law, such sums of money as they shall deem necessary to defray the expenses of same, and in such manner as they shall deem expedient (in accordance with the laws of the State and the United States); provided that no tax upon real and personal property in said city, except taxes for the purpose of paying the principal or interest of bonds of the city or for the purpose of providing a sinking fund for the payment of the bonds of the city, shall exceed one dollar and fifty cents upon the one hundred dollars assessed value thereof. It shall be the duty of the said city council to levy annually on all taxable property in said city a tax sufficient to pay the interest on all bonds of the said city, as such interest falls due, and also sufficient to pay the principal of said bonds, as such principal falls due, or to provide a sufficient sinking fund for the payment of said principal at maturity.

2. An emergency existing, this act shall be in force from and

after its passage.

CHAP. 54.—An ACT to amend and re-enact an act entitled an act enabling county boards of supervisors in certain counties to order and pay for certain public improvements through levy of special assessments, approved March 15, 1920. [H B 95]

### Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act enabling county boards of supervisors in certain counties to order and to pay for certain public improvements through levy of special assessments, approved March fifteenth, nineteen hundren and twenty, be amended and re-enacted to read as follows:

Sec. 1. The board of supervisors for and in such counties of Virginia as constitute a separate judicial circuit are hereby empowered and directed whenever petitioned by a majority of property owners of a section or district of the county to order such public improvements as sewers, garbage disposal plants, drainage, fire protection apparatus and fire mains and plugs, street paving and mosquito eradication to be made; to let contracts to the lowest competent bidders for such work; to issue special assessment anticipation war-



rants bearing legal interest to cover the cost of preliminary surveys, actual construction work, and the cost of spreading and collection of assessments, and to spread the total cost of such improvements and their expenses justly and proportionately; according to benefits, upon the real properties concerned by special assessment payable to the county treasurer in installments bearing legal interest; such special assessments to bear a similar lien upon said real property as the heretofore authorized annual taxes and subject to the same penalties for non-payment.

CHAP. 55.—An ACT to amend and re-enact section 702 of the Code of Virginia.
[H B 68]
Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That section seven hundred and two of the Code of Virginia be amended and re-enacted to read as follows:

Sec. 702. What to be taught in schools.—In every public free school shall be taught orthography, reading, writting, arithmetic, grammar, geography, physiology and hygiene, civil government, drawing, history of the United States, and history of Virginia. teaching physiology and hygiene approved text-books shall be used, plainly setting forth the effects of alcohol and other narcotics on the human system, and such effects shall be as fully and thoroughly taught as are other branches of the said last named subjects. Each teacher shall devote not less than thirty minutes in each month of the school session instructing the pupils therein as to ways and means of proper observations in connection with the course in civics and citizenship, so as to prevent accidents and in connection with the same course, and may devote not less than one hour in each month of the school session in instructing the pupils in the ways and means of preventing loss and damage to lives and property through preventable fires, and the State board of education shall provide a regular course of study in fire prevention for use in the public schools.

Provision shall further be made for moral education in the public schools to be extended throughout the entire course. Such instruction shall be imparted by reading books and text-books inculcating the virtues of a pure and noble life. The text-books shall be selected as are other text-books by the State board of education.

CHAP. 56.—An ACT to amend and re-enact an act entitled an act to amend and re-enact an act approved March 2, 1888, providing for the making, changing, and working of roads in the county of Rockingham, approved March 8, 1888, as amended by an act of the general assembly, approved March 5, 1890, as further amended by an act of the general assembly approved February 25, 1892, as further amended by an act of the general assembly, approved March 2, 1894, and as further amended by an act of the general assembly, approved February 26, 1896, approved March 15, 1904, as further amended by an act approved March 10, 1910, also by an act approved March 20, 1916, lastly amended by an act approved September 10, 1919, approved March 15, 1920.

[H B 179]

## Approved February 25, 1922.

- Be it enacted by the general assembly of Virginia, That an act entitled an act to amend and re-enact and act, approved March second, eighteen hundred and eighty-eight, providing for the making, changing, and working of roads in the county of Rockingham, approved March eighth, eighteen hundred and eighty-eight, as amended by an act of the general assembly, approved March fifth, eighteen hundred and ninety, as further amended by an act of the general assembly, approved February twenty-fifth, eighteen hundred and ninety-two, as further amended by an act of the general assembly, approved March second, eighteen hundred and ninety-four, and as further amended by an act of the general assembly, approved February twenty-sixth, eighteen hundred and ninety-six, approved March fifteenth, nineteen hundred and four, as further amended by an act approved March tenth, nineteen hundred and ten, also by an act approved March twentieth, nineteen hundred and sixteen, lastly amended by an act approved September tenth, nineteen hundred and nineteen, approved March fifteenth, nineteen hundred and twenty, be amended and reenacted so as to read as follows:
- Sec. 1. For each magisterial district in the county of Rockingham there is hereby created and established a board consisting of the supervisor, a commissioner of roads, and the county superintendent of roads who shall be ex-officio a member of said road board. Said board shall have exclusive control of all roads and bridges within its limits, except as hereinafter provided, and all district taxes levied for road purposes and for building and repairing bridges, shall be expended within the magisterial district in which it is so levied.

Sec. 2. The supervisors of each district shall be ex-officio chairman of the board of commissioners of roads for his district.

- Sec. 3. The road board shall meet as hereinafter provided from time to time, not to exceed twenty-four times in any one year; its members shall be paid three dollars per day for each day actually employed in the discharge of their duties and shall be paid by warrant on the county treasurer issued by said board as hereinafter prescribed.
- Sec. 4. The board hereby provided for, shall be a body corporate, and shall be known and designated as the board of ......... magisterial district of Rockingham county, and as such shall have the right to contract, and be contracted with, sue and be sued.

Sec. 5. The commissioner of roads provided for in this act shall reside in the district for which he is elected, and the term of his office shall begin on the first day of January next succeeding his election; he shall qualify at the time and in the manner provided by law for the qualification of magisterial district officers, and shall at the time of his qualification or before he enters upon the discharge of his duties, give bond for the faithful discharge of his duties in the sum of one thousand dollars.

Sec. 6. His duties shall be to see that all the roads in his district are of proper width, and in all cases where they are not, to notify the persons trespassing by written notice, and if the obstructions are not removed after reasonable notice, not to exceed ninety-days, he shall proceed to remove the fence or other obstructions, and may recover the expense with costs from the trespasser upon judgment before a justice of the peace; provided, however, that where there is a road of less than thirty feet now in use, and a commissioner of roads is satisified that no inconvenience will result to the public on account of the width of said road, he may continue the same. He shall examine all the roads in his district two or more times in each year, as directed by the road board, to see that all district roads and bridges are kept in good repair, as hereinafter provided for. He shall have the care and custody of all tools and machinery belonging to the district or county while in use in his district. When such tools and machinery are not being used or operated he shall provide such means as shall be reasonably necessary to protect such machinery and tools from injury and damage, and any expense incurred by the commissioner in so doing shall be paid out of the district fund on warrant of the board of commissioners of roads. His compensation shall be three dollars per day for each day he may be actually engaged in the discharge of his duties under the provisions of this act, to be paid by the county treasurer in the manner hereinafter prescribed. The duties and powers of said commissioner set out in this section are subject, however, to be changed by such rules and regulations as the board of supervisors may adopt respecting the duties and powers of said commissioner.

Sec. 7. Each petition to alter or change a public road must first be presented to the commissioner of roads in the district in which the road is located, who shall endorse thereon his approval or disapproval of same and his reason therefor, which petition and endorsement thereon shall be laid before the board of supervisors at its next regular meeting. Each viewer appointed by the board under the general law shall be 'allowed two dollars per day and expenses not exceeding one dollar per day, where such viewer travels over ten miles, and the county or other surveyor shall receive two dollars and fifty cents per day for accompanying said viewer and making necessary survey and be paid in addition such sum as the board shall determine, for and map of such change as may be required of him. Said viewers and such expenses to be paid by order of the board of supervisors out of the county levy' for roads and bridges.

Sec. 8. In case the change of road shall place it on a line dividing two magisterial districts, the commissioner of roads of the adjoining districts shall divide equitable the expenses of maintaining said road between said district. In case they cannot agree the board of supervisors shall divide the same and direct what part of said road shall

be kept in repair by each magisterial district.

Sec. 9. The board of commissioners of roads in each magisterial district shall annually make an estimate of the probable amount necessary to pay all the expenses of keeping in repair the roads and bridges (except such roads and bridges as are kept in repair out of the county levy), and pay allowance to officers provided for in this act, and other expenses likely to arise under the provisions of this act, and shall, before the first day of August each year, furnish to the county treasurer a statement of taxes assessed against each person in his district, which tax said treasurer shall be required to collect, as other revenues are collected, and for which he shall receive a like compensation. The funds coming into the hands of the county treasurer under the provisions of this act shall be kept separate and shall be held by him subject to the order of the board of commissioners of roads to be expended in such manner as in its judgment is for the best interest of the roads. Provided, however, that no warrant shall be issued by said board nor paid by said treasurer, except and unless it shall plainly show to whom and for what the same was allowed and issued by said board, and that such warrant shall be signed by the chairman and clerk of said board. All funds collected in any one district shall be expended in that district.

Sec. 10. It shall be lawful for the board hereby constituted to take charge of and have worked and kept in good repair all public roads and bridges heretofore or hereafter established within their respective districts as herein provided, except bridges across the rivers and the bridges of thirty feet or more in length across the creeks shall be kept in repair out of the general county levy for roads and bridges. The work may be done by the day under competent overseers, who shall furnish the commissioner of roads with a statement of accounts once a month. The said board may enter into contract for the repair of any part or sections of roads if they deem it to the best interest of the district so to do. Said road to be kept clear of falling timber, loose stones, and to be raised in the center and sloped on each side to ditches of sufficient width and depth to carry off all surplus water, and all contracts made for the maintenance or repair of said roads under this act shall so provide, and shall be in writing and duly signed and filed with the clerk of said board.

Sec. 11. The said board of commissioners may make such rules and regulations as it deems necessary to keep the roads and bridges over which it has control in good condition or to improve the same; said board may sub-divide their districts into sections and employ competent overseers for each section.

Sec. 12. The board of commissioners shall divide the public roads and bridges in their respective districts into two classes; the first

class being those roads and bridges to be maintained out of the county and State funds; the second class being those roads and bridges to be maintained out of the district levy. The roads and bridges of the first class, when accepted as such, to be under the control of the board of supervisors and to be maintained out of the county and State funds. The board of supervisors shall enter on the minutes of the board the roads accepted by them. The roads of the second class shall be maintained and worked by direction of the board of commissioners for the magisterial district.

Sec. 13. The board of commissioners of roads shall have the authority to purchase any necessary tools, machinery and materials out of its respective district funds, for use in making and repairing

the roads and bridges in its district as herein provided for.

Sec. 14. At the discretion of the board of commissioners of roads and by order of said board the road commissioner shall measure all roads in his district and divide them or any part thereof into such sections as in his judgment he may deem best and most economical.

The road commissioner shall report to the board of commissioners of roads of his district, by April first, or as soon thereafter as possible, the number of sections of roads and the number of miles in each section when said board may proceed to apportion such amount to each section as in their judgment is an equitable amount to each section, according to conditions and needs, and may at the same time appoint a good and competent overseer for each section thus worked, who shall have immediate supervision over the work to be done in this section.

When fifty or more qualified voters of any magisterial district shall address to the supervisor or board of commissioners of roads of such district a petition setting forth the complaint that the roads of the portion of the district in which they reside are not receiving an equitable apportionment of funds as provided in this section, and that for the two years next preceding, a fair proportion of the funds received from the State and county and from the district road tax has not been expended on the roads of the section in which they reside, and that said roads are in need of improvement and repair, the supervisor and board of commissioners of roads shall at once examine into the alleged facts contained in said petition, and if said allegations are found true, shall proceed to expend upon such roads such sums as would represent an equitable proportion of such funds for the current and previous two years, or so much thereof as may be necessary to put such roads in good repair.

Should the supervisor or board of commissioners of roads of any district in which such petition has been filed, or either of them, fail or refuse to make such repairs or expenditures as are provided in this section, within a reasonable time, then the petitioners shall have the right of action or appeal to the circuit courts; upon such action being taken or appeal filed, the judge of said court shall examine into the facts alleged by said petitioners and the merits of their claims, and give judgment accordingly.

Said board may have worked the remaining section in such manner as in their judgment is best. The overseer shall at such time as directed by a road commissioner proceed to hire hands and teams and work his road as directed by the road commissioner, who shall have authority over contractors and overseers, under the direction of the road board, and when tools and machinery are necessary the commissioner shall report to the board of commissioners of roads, which may order him to purchase same. The board shall have the right to remove an overseer or contractor at any time and work the road otherwise if in its judgment it would be best.

Sec. 15. Each overseer provided for in this act shall be charged with all the tools and machinery furnished him by the district road board, giving his receipt for the same, and on his retirement shall turn them over to his successor, or to the commissioner of roads, taking a receipt for same. The overseer shall perform work on the roads with other laborers; ten hours of actual work shall be con-

sidered a day's work.

Sec. 16. When in the opinion of the commissioner of roads any road or portion thereof in his district is in need of special attention or work he shall report that fact to the board of commissioners, and if said board deems it advisable, the other members may view said road or part thereof, and for such services each member shall receive the sum of three dollars per day, while in actual discharge

of such duties, payable out of the district fund.

Sec. 17. The board of supervisors in its discretion may purchase any necessary machinery and pay for same out of the county levy for roads and bridges, for the purpose of aiding the magisterial district in making and repairing the public roads of the county and district. It may appropriate out of said funds, or the general county levy, for the purpose of permanent road improvement in any district or districts, such amounts as may be necessary to secure any State aid money available for said district or districts, or to secure convict labor for said permanent improvement of said roads. In case the board of supervisors declines to appropriate the necessary funds required by the State law to secure State aid money or procure State convict labor, then the board of commissioners of roads of each magisterial district shall have the authority, with the consent of the board of supervisors, to make appropriations out of district funds, or funds raised by private contributions such amounts as are necessary to assure State aid money or convict labor; provided in such event the county shall not be chargeable with any liability or expenses by reason of any district thus procuring any State road improvements fund or convict labor.

The cost of expenditure per mile in the permanent improvement of the public road shall be determined by the State highway commissioner and the board of commissioners of the roads in their district or districts in which the improvements is to be made, except in such cases as require the action of the said board of supervisors. The distribution of the State and county aid may be made between the



districts of the county, on such basis as a majority of the board of supervisors in their judgment may deem right and just; provided, that no part of the State aid fund which would be due any district, upon an equitable distribution of same, based upon the tax paid into the State treasury by said district, shall be taken from the district and used elsewhere, unless the board of commissioners of roads in said district declines to use same on roads in said districts, and gives its consent in writing, signed by a majority of the board of that district, that said amount may be expended elsewhere, said writing to be filed with and preserved as part of the records of the board of supervisors.

Sec. 18. The majority of the entire board of supervisors may adopt any part of the general road law not in conflict with this act, and a majority of the entire board may also at any time prior to the first day of January of any year appoint a county road superintendent whose term of office shall be for a period of two years from the first day of January following his appointment. The said superintendent shall be a civil engineer or a man well versed in practical road building, and who is competent to establish grades and keep records as required by law. The powers and duties of the superintendent of roads to be those set forth in the general road law so far as they do not conflict with this act. The salaries and compensation of such superintendent shall be fixed by the said board of supervisors; and be paid out of the county road fund. Such superintendent shall give such bond as the board of supervisors may direct for the faithful discharge of his duties.

Sec. 19. That the commissioner of roads, from each magisterial district shall meet at the court-house of the county with the board of supervisors at a time to be fixed by the board of supervisors and shall act with said board in consideration of the road question, and to make any changes within the limits of the law they may deem best, for the making, changing and working the public roads of Rockingham county, and by a majority vote of all the supervisors and commissioners of roads present may order the road levies of all the disricts or any of the districts raised to an amount not to exceed forty cents on one hundred dollars of assessed property, both real and personal, in any one year, and should it be determined that the levy for any one year should be raised over twenty cents on the one hundred dollars of assessed property, both real and personal, in any district or districts then there shall be not less than ten cents nor more than fifteen cents of said levy on the one hundred dollars used for permanent road improvement. The said board of supervisors and the commissioners of roads may by a majority vote of all present, provide for and appoint a clerk for each of the boards of commissioners in the county, but the same person may act as clerk for all of the said boards or for any one or more of said boards. The duties and compensation of said clerk or clerks to be fixed by the said supervisors and said commissioners of roads as above provided. In case the boards of supervisors should refuse or fail to appoint a county



road superintendent, then the said clerk shall be a member of the board of commissioners of roads in the place of said county road

superintendent.

Sec. 20. At the end of each fiscal year the settlement of the accounts of each of said board of commissioners showing the receipts and disbursments of said board shall be made for the fiscal year then ended. A statement in writing shall be made at the time of this settlement by said board, signed by each member of said board, itemizing in such statement all the funds which during said year have been in the hands of the treasurer of said county to the credit of said board and any other funds which have been under the control of such board and also itemizing the disbursments which have been made by said board and setting forth in their consecutive order the warrants issued by said board, the dates of same and to whom issued, and, briefly, for what debt consideration. Attached to said statement shall be a certificate signed by the treasurer of said county. setting forth that the statement is true and correct, so far as the same is shown by the records in his office. When said statement is so prepared, with the said certificate of the treasurer attached thereto, the same shall be submitted to the board of supervisors accompanied by the paid warrants therein referred to, and said board shall carefully examine said settlement or statement, and ascertain whether the same is correct. When found correct, the said statement shall be published in such manner as said supervisors direct. If found incorrect, the board of supervisors shall by such proceedings as are in their opinion appropriate, require the correction of same by the road board. The costs of publication of annual statements or settlements shall be paid out of the funds of the respective road districts.

Sec. 21. The board of supervisors and the commissioners of roads of the county shall meet at the court-house between July fifteenth and August first, nineteen hundred and twenty-three, giving public notice of such meeting and its object for at least two weeks previous thereto, when the question of adopting the general road law of the State shall be considered. Should three-fifths of said supervisors and commissioners of roads by a recorded vote, which must be a majority of all supervisors and commissioners of roads in the county, decide to adopt the general road law, then after December thirty-first, nineteen hundred and twenty-three, the general road law of the State shall supersede the special law hereby re-enacted, and no election shall be held in said county for commissioners of roads at the election on the Tuesday after the first Monday in November, nineteen hundred and twenty-three. On January first, nineteen hundred and twentyfour, the general road law of the State shall be the road law of Rockingham county.

Sec. 22. All acts or parts of acts in conflict with this act are

hereby repealed.

2. An emergency existing by reason of the fact that the road work for the current year will begin before this law will otherwise become effective, this act shall be in force from its passage.

CHAP. 57.—An ACT to amend and re-enact section 1 of an act entitled an act to create for the county of Norfolk a commission of roads and bridges, and to prescribe the powers and duties of such commission, and thereby to provide for controlling, constructing and keeping in repair the public roads and bridges within said county, and for acquiring, establishing, altering and vacating roads and bridges therein; and to repeal an act entitled an act for working and keeping in repair the public roads in Norfolk county, approved February 18, 1890, as amended by acts approved February 26, 1908, and March 14, 1910, respectively, and also to repeal an act entitled an act for working and keeping in repair the public roads in Norfolk county, approved February 1, 1894, approved February 1, 1915, as amended by an act approved March 19, 1920.

## Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That section one of an act entitled an act to create for the county of Norfolk a commission of roads and bridges, and to prescribe the powers and duties of such commission, and thereby to provide for controlling. constructing and keeping in repair the public roads and bridges within said county, and for acquiring, establishing, altering and vacating roads and bridges therein; and to repeal an act entitled an act for working and keeping in repair the public roads in Norfolk county, approved February eighteenth, eighteen hundred and ninety, as amended by acts approved February twenty-sixth, nineteen hundred and eight, and March fourteenth, nineteen hundred and ten, respectively, and also to repeal an act entitled an act for working and keeping in repair the public roads in Norfolk county, approved February first, eighteen hundred and ninety-four, approved February first, nineteen hundred and fifteen, as amended by an act approved March nineteenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Section 1. For the purpose of this act the six magisterial districts of the county of Norfolk shall be divided into three road districts, as follows: Road district number one shall be composed of Tanner's creek magisterial district; road district number two shall be composed of Western branch, Deep creek and Pleasant grove magisterial districts: road district number three shall be composed of Butts road and Washington magisterial districts. A permanent commission, to consist of three members, and to be known as the commission of roads and bridges for the county of Norfolk, is hereby created. Each of the members of the said commission shall be qualified to vote and shall be a resident of the road district for which he is elected. On the Tuesday after the first Monday in November, ninteen hundred and twenty-two, and every four years thereafter, there shall be elected by the qualified voters of each of the road districts herein described one member of the said commission, who shall take office on the first day of January following his election. Whenever a vacancy in said commission shall occur the judge of the circuit court of Norfolk county shall appoint his successor, who shall be chosen from the road district in which such vacancy exists and who shall serve until the next general election, at which time his successor shall be elected for the unexpired term by the qualified voters of such road district.

The terms of office of the members of the commission who may be in office on December thirty-first, nineteen hundred and twenty-two shall expire on that date. The commission shall annually elect one of their members chairman, and another of their members secretary of the same, and shall have authority to require of the sheriff of said county, or any of his deputies, such attendance and services as may be necessary to preserve order and serve notices. All sessions of the commission shall be public, and a permanent record (to be prepared by the secretary) shall be kept of its orders, proceedings, receipts, and expenditures, and of all reports made to it or by it, which shall at all times, during normal business hours, be open to public inspection. Two of the commissioners shall constitute a quorum for the transaction of business, whether there be a vacancy in the commission or not, and a majority of the commissioners present may decide any question that may properly come before the meeting. The board of supervisors of said county shall, subject to the approval of commission, provide suitable quarters and blank records for the commission, and the judge of said court shall fix the salaries of the members of the commission, but the salary of each commissioner shall be not less than two hundred dollars, nor more than one thousand dollars per annum. Due to the added duties and expense of the chairman, he shall have a salary allowance of not more than six hundred dollars in excess of the salaries of the other two commissioners.

CHAP. 58.—An ACT to amend and re-enact section 3173 of the Code of Virginia, as amended by an act approved March 19, 1920. [H B 31]

# Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and seventy-three of the Code of Virginia, as amended by an act approved March nineteenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 3173. Restriction on the right to set certain nets; certain obstructions in Chesapeake bay forbidden.—It shall be unlawful to set or fish any pound net within the York river, above a line drawn from Clay bank in the county of Gloucester to a point directly opposite on the other side of the river, Poquosin river, Back river, Chickahominy river, Elizabeth river or Nansemond river, or any of the tributaries thereof, or in the James river above a straight line drawn from Mulberry point, in Warwick county, to the mouth of Lawnes creek, the boundry between Surry and Isle of Wight counties, or to set pound nets within one mile from either side of the mouth of the Lynnhaven river, or between the hours of sunset and sunrise, during any night, to set or fish any gill net or crab line in any waters of Lynnhaven river above bottoms leased or rented to another person or persons for the purpose of planting oysters; and any and all pound net stakes driven in the rivers or their tributaries allowed by law

shall be withdrawn by the owner when no longer in actual use for.

fishing purposes.

No person shall plant oysters or place stakes or other obstructions in the Chesapeake bay within half mile of the shore, between Cape Henry and the Norfolk county line where a seine is licensed to be laid out, set or hauled, without the consent of the riparian owner. Nor shall any person operate any device for staking claims within three-quarters of a mile of the shore lying between Lynnhaven inlet and Willoughby spit pier in Norfolk county.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 59—An ACT to amend and re-enact sections 3922 and 3923 of the Code of Virginia. [H B 107]

#### Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That sections three thousand nine hundred twenty-two and three thousand nine hundred twenty-three of the Code of Virginia, nineteen hundred and nineteen, be amended and re-enacted so as to read as follows:

Sec. 3922. Transportation of explosives.—No transportation company shall knowingly transport within the territorial limits of this Commonwealth, or knowingly transport into such limits for sale, storage, or use therein, any explosive compounds except in the manner prescribed by the State corporation commission. It shall be the duty of the State corporation commission, from time to time, within its discretion, to make rules and regulations fixing the maximum amounts of various explosive compounds transported by any common carrier in any manner; and the methods of packing and marking the same.

Sec. 3923. Penalty for not observing rules in the transportation of explosives.—Any transportation company that shall knowingly transport any explosive contrary to the rules and regulations prescribed by the State corporation commission; or any conductor of any train, or captain of a steamboat, or person in charge of any public vehicle engaged in transporting passengers or freight, who shall knowingly fail to observe said rules and regulations in the transportation of explosives, shall be fined not less than fifty dollars nor more than five hundred.

2. An emergency existing because of the proposed revision of rules and regulations for the transportation of explosives now pending, an emergency is hereby declared to exist, and this act shall be in force from its passage.

CHAP. 60.—An ACT to authorize the board of agriculture to sell and convey a certain tract of land situated in the county of Augusta. [H B 66]

#### Approved February 25, 1922.

Whereas, by deed dated April eight, nineteen hundred and ten, Lizzie T. Glenn and William Glenn, her husband, conveyed to the board of agriculture of the Commonwealth of Virginia a certain tract or parcel of land, together with all the improvements thereon, containing seventy-four acres and thirty poles, more or less, situate and lying and being in Beverly Manor magisterial district of the county of Augusta, Virginia, about one mile east of Staunton on the New Hope road, and being the same tract of land which was conveyed to the said Lizzie T. Glenn by John B. Cochran, trustee, by deed bearing date on the twenty-first day of March, nineteen hundred and eight, of record in the clerk's office of the circuit court of Augusta county in deed book number one hundred and fiftyfour, page three hundred and ninety-six, which said deed from the said Lizzie T. Glenn and William Glenn, her husband, is recorded in the clerk's office of the circuit court of Augusta county in deed book number one hundred and sixty-one, page four hundred and eleven: and.

Whereas, the board of agriculture had and still has authority under the general law "to purchase or lease land, not to exceed one hundred acres, in any congressional district, for experimental purposes in agriculture," but has no authority under the general law to dispose of any real estate so purchased; and,

Whereas, the tract of land above described is not well suited for the purpose for which it was purchased, and the said board deems it expedient to dispose of the same and to purchase another tract

in its stead; now, therefore,

Be it enacted by the general assembly of Virginia, That the board of agriculture of the Commonwealth of Virginia be, and the same is hereby, authorized to sell the tract of land above described, on the best terms obtainable by it, and to convey the same to the purchaser or purchasers thereof in fee simple, by deed duly executed, sealed and acknowledged by the president of the board of agriculture of the Commonwealth of Virginia, on behalf of the board, after he shall have been authorized so to do by a resolution adopted by a majority of the members of the said board; and the said board may, if it deems it expedient, accept in whole or in part payment of the purchase price of the said tract of land, a conveyance to it by the purchaser or purchasers of other land deemed by the board to be more suited for its purpose.

2. An emergency existing, this act shall be in force from its

passage.



CHAP. 61.—An ACT to provide for the seizure by game wardens of illegal fishing and hunting devices in this State. [H B 24]

#### Approved February 25, 1922.

- 1. Be it enacted by the general assembly of Virginia, That it shall be the duty of all game wardens, regular, special and ex-officio, to seize all unlawful traps, nets, or other devices used for taking fish, game birds and animals which may be found by such wardens.
- 2. All such traps, nets or other unlawful devices seized by game wardens shall be held by them as evidence against parties using such devices. If within thirty days owners of such unlawful traps, nets or other devices, or person operating them, be not found by the game warden, such devices shall be disposed of as the court may direct; provided no such traps, nets or other devices shall be so disposed of by the court having jurisdiction in such cases in a manner that they be unlawfully used in this State.
- 3. It shall be the duty of the game wardens to promptly report all such seizures to the commissioner of game and inland fisheries.
- 4. All acts or parts of acts in conflict with this act are hereby repealed.

CHAP. 62.—An ACT for the protection of fish in the Nottoway river and its tributaries in the counties of Sussex and Greensville. [H B 173]

# Approved February 25, 1922.

- 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to take, kill or capture fish in the waters of Nottoway river and its tributaries in the counties of Sussex and Greensville, except private ponds, by means of seines, fykes, traps, fish slides, or in any other manner except angling with a hook and line.
- 2. This act shall not apply to the capture of minnows by means of a minnow net, when minnows are to be used as a bait, nor to the hauling of shad seines, or to the use of shad dip nets, in the waters of the Nottoway river and its tributaries in the counties of Sussex and Greensville during the months of February, March, April, May and June.
- 3. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor.
- CHAP. 63.—An ACT validating and confirming the sale heretofore made by the board of trustees of Margaret Academy in the county of Accomac of the real estate held by the said board in trust, to the school board of the town of Onancock.

  [H B 145]

Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That the sale heretofore made by the board of trustees of Margaret Academy

in the county of Accomac of the real estate held by them in trust, to the school board of the town of Onancock, in the county of Accomac, is hereby confirmed and validated. The proceeds of such sale shall be held by such trustees until such time as they may deem it advisable to re-invest the same to carry out the terms of said trust.

CHAP. 64.—An ACT to provide a new charter for the city of Suffolk and to repeal the existing charter of said city and the several acts amendatory thereof and all other acts and parts of acts inconsistent with this act so far as they relate to the said city of Suffolk.

[H B 122]

### Approved February 25, 1922.

Be it enacted by the general assembly of Virginia, as follows: The city and its boundaries.—The inhabitants of the territory comprised within the present limits of the city of Suffolk as hereinafter described, or as the same may be hereafter altered and established by law, shall continue to be a body politic and corporate, to be known and designated as the city of Suffolk, and as such shall have and may exercise all powers which are now, or hereafter may be, conferred upon, or delegated to, cities under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive; and the said city of Suffolk as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure, the present boundaries of the said city being as follows, to-wit:

Beginning at the intersection of Nansemond river with the east side of Main street, thence following the south bank of the Nansemond river in its various meanderings and in a northwesterly direction to a point where Smith's creek, and Cohoon's creek form a junction, thence up Smith's creek, following its south bank, in a southwesterly direction to a ravine, said ravine being the western boundry of the property of the River View Land Company, thence following said ravine in a southerly direction to a point about one hundred and twenty-five feet south of the south side of Western avenue, where it forms a junction with another ravine, thence continuing in a southerly direction, parallel with and about one hundred and fifty feet east of Pitch Kettle road, to a point in the north right of way line of the Virginian railroad, thence southwardly across the Virginian railroad and the Seabord Air Line railroad to the intersection of the south right of way line of the Seaboard Air Line railroad with the east side of Pitch Kettle road, thence following the south right of way line of the Seabord Air Line railroad in a westerly direction to a point one hundred and fifty feet west of Pitch Kettle road, measured at right angles thereto, thence in a southerly direction parallel with and about one hundred and fifty feet west of Pitch

Kettle road to the north side of Washington street, thence following the north side of Washington street in a westerly direction to the east wall of the city of Portsmouth water department's spillway on the South Quay road, thence following the east wall of the said spillway across the said South Quay road to Lake Kilby, thence along the bank of Lake Kilby in its various meanderings, in a southeasterly direction, to the east side of Park road where same intersects the lake shore, thence in a southerly direction across the lands of R. W. Baker and others to a point in the north right of way line of the Norfolk and Western railroad, said being nine hundred feet west of the intersection of the east side of Military road with the north right of way line of said Norfolk and Western railroad, thence following the north right of way line of the Norfolk and Western railroad in an easterly direction to the west side of Wellons street, thence following the west side of Wellons street and the county road in a southerly direction to the north right of way line of the Southern railroad, thence in an easterly direction along the north right of way line of the said Southern railroad to the center of Hickman's branch, thence following the various meanderings of Hickman's branch in an easterly direction to a point where the west side of Walnut street, produced in a southerly direction, would intersect said branch, thence following the west line of Walnut street produced and Walnut street to the south side of the Norfolk road, thence following the south side of the Norfolk road to a point in the line dividing the land additions known as "The Elms" and "Lloyd Addition," produced in a southerly direction to where it intersects the south side of the said Norfolk road, thence following the last above described line in a northerly direction to the south right of way line of the Norfolk and Western railroad, thence in a northeasterly direction, crossing the Norfolk and Western, Atlantic Coast Line and Southern railroads, to a point where the west side of Trolley street, produced in a southerly direction, intersects the south right of way line of the Seaboard Air Line railroad, thence following the west line of Trolley street produced and Trolley street in a northerly direction to the south side of Shingle creek, thence following the said creek in a westerly direction to the east bank of the Nansemond river, thence following the bank of the Nansemond river in its various meanderings to the point of beginning.

The courts of said city shall have civil and criminal jurisdiction beyond said boundaries as is now, or may hereafter be provided

by law.

Powers of the city.—In addition to the powers mentioned

in the preceding section, the said city shall have power:

(a) To raise annually by taxes and assessments in said city such sums of money as the council hereinafter provided for shall deem necessary for the purposes of the city, and in such manner as said council shall deem expedient, in accordance with and subject to the Constitution and laws of this State and of the United States and the provisions of this charter; provided, however, that it shall impose no tax on the bonds of the city.



(b) To impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of this State as may be in force at the time of the imposition of such special or local assessments.

(c) Subject to the provisions of the Constitution of this State and of its charter, to contract debts, borrow money and make and

issue evidences of indebtedness.

(d) To expend the money of the city for all lawful purposes.

(e) To employ a community nurse or to contribute to the salary

of any such community nurse.

(f) To appropriate money for the detection of violations of State laws or city ordinances, and to offer rewards for the apprehension

of persons violating such laws or ordinances.

- (g) To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein, within or without the city or State for any of the purposes of the city; and for any purposes of the city, to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof.
- (h) To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, comfort stations or rest rooms, markets, and all buildings, and structures necessary or appropriate for the use and proper operation of and by the various departments of the city; and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them.

(i) To furnish all local public service; to purchase, hire, construct, own, maintain and operate, or lease, local public utilities, to acquire by condemnation or otherwise, within or without the corporate limits,

land and other property necessary for any such purposes.

(j) To establish, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean public highways, streets, alleys, boulevards and parkways, and to alter or close the same; to establish and maintain parks, play grounds and other public grounds; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets and highways, and to abolish and prevent grade crossings over the same by railroads; to regulate the operation and speed of all cars and vehicles using the same, as well as the operation and speed of all engines, cars and trains on railroads within the city: to regulate the service to be rendered and rates to be charged by busses, motor cars, cabs and other vehicles for the carrying of passengers, and by vehicles for the transfer of baggage or materials of any kind; to compel all telephone, telegraph and electric light and power companies, or any of them, to have and maintain a joint use of poles under such conditions as the council may deem reasonable; to require all telephone and telegraph wires and all wires and cables



carrying electricity to be placed in conduits underground and to prescribe rules and regulations for the construction and use of such conduits; and to do all other things whatsoever, adapted to make said

streets and highways safe, convenient and attractive.

(k) To construct and maintain, or aid in constructing and maintaining, public roads, boulevards, parkways and bridges, beyond the limits of the city, in order to facilitate public travel to and from said city and its suburbs, and to and from said city and any property owned by said city and situated beyond the corporate limits thereof, and to acquire land necessary for such purpose by condemnation or otherwise; provided, however, that the city shall not construct or maintain, or aid in constructing or maintaining, any such public roads, boulevards, parkways or bridges at any point more than one mile beyond its corporate limits unless same is sanctioned by a majority vote of such of the qualified electors of the city as participate in an election on the question, or unless same is sanctioned by a written petition signed by a majority of the qualified electors of the city.

(1) To establish, construct, maintain and operate public wharves, public landings and docks either within or without the city; to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary or appropriate for the purposes aforesaid; to lay and collect reasonable duties or wharfage fees on vessels coming to or using said wharves, landings or docks; to dredge or deepen the harbor or river or any branch or portion thereof; to prescribe and enforce reasonable rules and regulations for the protection and use of its said properties, whether within or without the city; and to impose and enforce adequate penalties for the violation of

such rules and regulations

(m) Subject to the provisions of the Constitution of this State,

to grant franchises for public utilities.

(n) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to acquire and operate reduction or other plants for the utilization or destruction of such materials, or any of them; or to contract for and regulate the collection and disposal thereof.

(o) To compel the abatement and removal of all nuisances within the city or upon property owned by the city beyond its limits at the expense of the persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be; to acquire all lands, lots and other premises within the city to be kept clean, sanitary and free from weeds, or to make them so at the expense of the owners or occupants thereof; to regulate or prevent slaughter-houses or other noisome or offensive business within said city, the keeping of animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke, and dust, and to prevent unnecessary noises therein; to regulate the location

of stables and the manner in which they shall be kept and constructed; and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city.

(p) To inspect, test, measure, and weigh any commodity or article of consumption or use within the city, and to establish, regulate,

license, and inspect weights, meters, measures and scales.

(q) To extinguish and prevent fires and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department or division; to regulate the size, materials and construction of buildings, fences and other structures hereafter erected, in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure or addition thereto which, by reason of dilapidation, defect of structure, or other cause, may become dangerous to life or property, or which may be erected contrary to law; to establish and designate, from time to time, fire limits, within which wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron, or other fire-proof material.

(r) To provide for the care, support and maintenance of insane

or poor persons and paupers.

(s) To establish, organize and administer libraries and public schools, subject to the general law establishing a standard of education for the State; and to appropriate money from the public funds to aid in the stablishment and maintenance in said city of a suitable memorial to the soldiers, sailors and marines of the city and of Nansemond county.

(t) To provide and maintain, either within or without the city, charitable, recreative, corrective, detentive, or penal institutions.

(u) To prevent persons having no visable means of support, paupers and persons who may be dangerous to the peace or safety of the city, from coming to said city from without the same; and for this purpose to repuire any railroad company, the master of any ship or vessel, or the owners of conveyances bringing such persons to the city, to take such persons back to the place from which he was brought, or to enter into bond with satisfactory security that such person shall not become a charge upon said city within one year from the date of his arrival; and also to expell therefrom any such person who has been in said city less than ninety days.

(v) To provide for the preservation of the general health of the inhabitants of said city, to make regulations to secure the same, to inspect all foods and foodstuffs and to prevent the introduction and sale in said city of any article or thing intended for human consumption, which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and to

prevent and suppress disease generally; when deemed necessary or expedient, to install and maintain on premises, at the cost of the owner or occupant, sanitary closets for the reception of human excreta, or to require such owner or occupant to install and maintain the same at his own expense; to provide and regulate hospitals within or without the city limits, and enfoce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for such persons; to appoint and organize a board of health, to define its duties and grant to it the necessary authority effectually to discharge them, with power to invest any or all of the officials or employees of such board of health with such powers as the police officers of the city have; to establish a quarantine ground within or without the city limits, and such quarantine regulations against contagious and infectious diseases as the council may see fit, subject to the laws of the State and of the United States; to provide and keep records of vital statistics and compel the return of all births, deaths and other information necessary thereto.

(w) To acquire by purchase, gift, devise, condemnation or otherwise, lands either within or without the city, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary rules and regulations for the protection and use thereof; and generally to regulate the burial and disposition of

the dead.

(x) To exercise full police powers, and establish and maintain a department or division of police.

(y) To do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals,

peace, government and health of the city or its inhabitants.

- (z) To make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the provide and to impose penalties for the violation of such ordinances, powers conferred by this charter or by any general law; and to impose penalties for the violation of such ordinances, rules and regulations, or any of them, by fine not exceeding five thousand dollars or imprisonment not exceeding one year, or both. The city may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding such ordinance may provide punishment for its violation.
- 3. Creation and powers of council.—There is hereby created a council, which shall have full power and authority, except as herein otherwise provided, to exercise all of the powers conferred upon the city, and to pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and general law of the State and of this charter. It shall by ordinance fix the salaries of all officers and employees of the city, and may, so far as is not inconsistent with the provisions of this charter, define the powers and prescribe the duties of all such officers and employees.
- 4. Composition of council; vacancies.—The council shall consist of five members, who shall be elected on a general ticket at large,

and shall serve for a term of four years from the first day of September next following the date of their election and until their successors shall have been elected and qualified; provided, however, that at the first election hereunder the three candidates having the highest number of votes shall serve for four years, and the two candidates having the next highest number of votes shall serve for two years. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body, or any of them. No member of the council shall be paid a salary.

Vacancies in the council shall be filled within thirty days, for the unexpired term, by a majority vote of the remaining members, except

as otherwise provided by general law.

5. Qualification of members.—Any person qualified to vote in

said city shall be eligible to the office of councilman therein.

6. Limitation on the powers of the council.—The council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager,

either publicly or privately.

7. Officers elective by council; rules.—The council shall elect one of its members to preside over its meetings, who shall be entitled president of the council and who shall be ex-officio mayor, and shall also elect another member to be vice-president of the council. The council shall also elect a city manager, a city clerk, a city attorney, a civil and police justice and a substitute civil and police justice. All elections by the council shall be viva voce and the vote recorded in the journal of the council. The council may determine its own rules of procedure, may punish its members for misconduct, and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. A majority of all the members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The council shall keep a journal of its proceedings.

8. Elections by council; when held, terms, et cetra.—During the month of September, nineteen hundred and twenty-two, the council shall elect a city clerk and a city attorney, each of whom shall serve for a term of one year from the first day of October, nineteen hundred and twenty-two, and until his successor shall have been

elected and qualified.

During the month of September, nineteen hundred and twentythree, and biennially thereafter, the council shall elect a city clerk and a city attorney, each of whom shall serve for a term of two years from the first day of October following his election and until his successor shall have been elected and qualified.

The city clerk may also be the clerk of the circuit court of the city, and the city attorney may also be Commonwealth's attorney for the

city.

- 9. Meetings of council.—The council shall meet at such times as may be prescribed by ordinance or resolution, provided that it shall have at least one regular meeting each month. The president of the council, any member thereof, or the city manager, may call special meetings of the council at any time upon at least six hours' written notice, with the purpose of said meeting stated therein, to each member, served personally or left at his usual place of business or residence, or such meetings may be held at any time without such notice, provided all members of the council attend. All meetings of the council shall be public and any citizen may have access to the minutes and records thereof at all reasonable times.
- 10. President of the council.—The president of the council shall preside at all meetings of the council, and shall have the same powers and duties as other members of the council, with a vote but no veto; and he shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. He may use the title of mayor whenever necessity arising from the general laws of the State may so require; but this shall not be construed as conferring upon him the administrative or judicial functions, or other powers or functions, of a mayor under the general laws of the State. In time of public danger or emergency he, or during his absence or disability the city manager, may take command of the police and maintain order and enforce the law, and for this purpose may deputize such assistant policemen as may be necessary. During his absence or disability his duties shall be performed by the vice-president of the council, except as above provided.

The powers and duties of the president of the council shall be such as are conferred upon him by this charter, together with such others as may be conferred by the council, in pursuance of the pro-

visions of this charter, and no others.

11. Time of holding municipal elections.—A municipal election shall be held on the second Tuesday in June of the year nineteen hundred and twenty-three, and of every second year thereafter, which shall be known as the regular election for the election of councilmen.

- 12. Nomination of candidates.—Candidates for the council under the provisions of this charter shall be nominated only by petition. Any qualified voter of the city may be nominated as provided herein. Subject to the provisions of section thirteen hereof, there shall be printed on the ballots to be used in any municipal election for the election of councilmen, the names of all candidates who have been nominated by petition as provided herein, and no others. A nominating petition shall conform substantially to the following requirements:
- (a) Such petition shall state the name of the person whose name is presented for a place upon the ballot and shall request such person to become a candidate for the office of councilman for the city of Suffolk.
- (b) Such petition shall be signed by at least fifty qualified electors of the city.



(c) Each elector signing a petition may subscribe to one nomination for each of the places to be filled at the ensuing election, and no more.

(d) Such petition shall not be signed by any elector more than fifty days prior to the day of such election, and such petition shall be filed with clerk of the circuit court of said city not less than thirty

days prior to the day of such election.

13. Acceptance.—Any person whose name has been submitted for candidacy by any such petition, shall file, with the clerk of the circuit court of the city, his acceptance of such candidacy at least twenty days prior to the date of such election, otherwise his name shall not appear on the ballot. The filing of such acceptance shall be deemed equivalent to the filing of notice of candidacy under the general election laws of the State, and no other notice of candidacy need be given by the person filing the same.

14. Ballots.—The ballots used in all elections provided for in this charter for the election of councilmen shall be without party

marks or designations.

15. Method of conducting municipal elections.—The candidates at any regular municipal election for the election of councilmen, equal in number to the places to be filled, who shall receive the highest number of votes at such election, shall be declared elected.

In any such election each elector shall be entitled to vote for as many persons as there are vacancies to be filled, and no more; and no elector shall in such election cast more than one vote for the same person.

In counting the vote any ballot found to contain a greater number of names for the office of councilman than the number of vacancies in the council to be filled, shall be void, but no ballot shall be void for containing a less number of names than is permitted hereby.

Election of other officers.—There shall be elected by the qualified voters of said city, on the Tuesday after the first Monday in November, nineteen hundred and twenty-five, and quadrennially thereafter, the following officers: one attorney for the Commonwealth, one commissioner of the revenue, one city treasurer, and one city sergeant, who shall hold their offices for the term of four years from the first day of January ensuing their election and until their successors shall have been elected and qualified, unless sooner removed from The city sergeant may also be chief of police of said city. There shall also be elected by the qualified voters of said city on the Tuesday after the first Monday in November, nineteen hundred and twenty-seven, and every eight years thereafter, one clerk of the circuit court of the city of Suffolk, whose term shall begin and end as is now, or may hereafter be, prescribed by the general assembly of this State. Provided, that, if the Constitution of this State shall at any time hereafter be so amended as to permit it, the said officers mentioned in this section or any of them may be elected or appointed in such manner as the council may by ordinance prescribe, and the council may in such case abolish any one or more of the said offices,



if permitted so to do by the Constitution of the State, and prescribe by whom and in what manner the duties thereof shall be performed.

17. General provisions relating to elections; elections; how conducted.—All popular elections provided for in this charter shall be conducted, and the result canvassed and certified, by the regular election officials provided for by the general election laws of the State, and, except as otherwise provided in this charter, all such elections

shall be governed by the said, general election laws.

18. Petitions.—All petitions for the nomination of councilmen shall be signed by the elector in person and not by agent or attorney. Each person signing any such petition shall place opposite his name the date of his signature. The signatures to any such petition need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof stating that such signature appended thereto is the genuine signature of the person whose name it purports to be and that it was made in the presence of the affiant on the date indicated. All copies of any such petition shall be treated as originals. No such petition shall be deemed invalid by reason of the fact that it is signed by one or more persons who are not qualified voters, but the names of such persons shall not be counted. As used in this charter the terms "elector," "qualified elector," and "qualified voter" are synonymous.

19. Presumptions.—All signatures to any petition mentioned in the preceding section hereof shall be accepted and treated as prima facie genuine. For the purpose of certifying the number of qualified voters whose names are signed to any such petition, the clerk of the circuit court of said city shall presume that any person whose name appears thereon is a qualified voter if such person (a) is exempt from the payment of poll taxes as a prerequisite to voting, or (b) appears from the treasurer's list of persons who have paid their poll taxes so as to be a qualified voter on the date of his signature under the provisions and within the meaning of section twenty hereof, assuming him to be duly registered. All such petitions substantially complying with the requirements of this charter and certified by said clerk to bear the required number of signatures of qualified voters shall be accepted and treated as prima facie sufficient. The burden of proving the insufficiency of any such petition in any respect shall be upon the person alleging the same.

20. Qualifications of persons signing certain petitions.—The question whether any person is a qualified voter for the purpose of signing any nominating petition for councilman shall be determined as follows: If any such petition be signed on or before the second Tuesday in June in any year, the person signing the same shall be deemed a qualified voter for that purpose within the meaning hereof, if qualified to vote on said second Tuesday in June of said year. If such petition is signed after the second Tuesday in June in any year, the person signing the same shall be deemed a qualified voter for that purpose within the meaning hereof, if qualified to vote on the first Tuesday after the first Monday in November of said year

- 21. The city manager; appointment, qualifications, et cetera.— The city manager shall be the administrative head of the municipal government. He shall be chosen by the council without regard to his political beliefs and solely upon the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or State. He shall be appointed for an indefinite period and shall hold office during the pleasure of the council. He shall receive such compensation as shall be provided by the council by ordinance. He shall be bonded as the council may deem necessary. During the absence or disability of the city manager the council may designate some properly qualified person to perform the duties of the office.
- 22. Powers and duties of the city manager.—The city manager shall be responsible to the council for the efficient administration of all affairs of the city.

Such city officers and employees as the council shall determine are necessary for the proper administration of the affairs of the city shall be appointed, and may be removed, by the city manager, except those in the financial, legal and judicial departments and the clerical and other attendants of the council; but he shall report each appointment and removal to the council at the next meeting thereof following any such appointment or removal.

He shall have the power, subject to appeal to the council, to prohibit, within the city or within one mile of its corporate limits, any public meeting, theatrical performance, show, or the exhibition of any motion picture, which he may deem injurious to the morals

or peace and good order of the city or its inhabitants.

He shall also have power and it shall be his duty:
(a) To see that all laws and ordinance are enforced.

(b) To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

(c) To recommend to the council for adoption such measures

as he may deem necessary or expedient.

- (d) To make reports to the council from time to time upon the affairs of the city and to keep the council fully advised of the city's financial condition and its future financial needs.
- (e) To prepare and submit to the council a tentative budget for the next fiscal year.
- (f) To perform such other duties as may be prescribed by the council.
- 23. The fiscal year.—The council may determine when the fiscal year of the city shall begin and end, and may change the same from time to time. The council may also determine when city licenses and taxes shall be payable.
- 24. The annual budget.—At least thirty days before the end of each fiscal year the city manager shall prepare and submit to the council an annual budget for the ensuing fiscal year, which shall present the following information:
  - (a) An itemized statement of the appropriations recommended,

with comparative statements in parallel columns showing appropriations made for the current and next preceding fiscal year.

(b An itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal year, and of the increases or desreases estimated or proposed.

(c) A statement showing the condition of the various appropriations, the amount of appropriations remaining unencumbered and

the amount of revenues remaining unappropriated.

(d) A statement of the financial condition of the city; and,

(e) Such other information as may be required by the council.

25. The annual appropriation.—Before the end of each fiscal year, or as soon thereafter as may be practicable, the council shall pass an annual appropriation ordinance which shall be based on the budget submitted by the city manager, and shall levy such tax for the ensuing fiscal year as in its discretion shall be sufficient to meet all just demands against the city on any account, subject, however, to the provisions and limitations contained in subsection (a) of section thirty-four of this charter.

26. Unencumbered balances.—At the close of each fiscal year, or upon the completion or abandonment, at any time within the year, of any work or improvement or other project for which a special appropriation has been made, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to further appropriation. No money shall be drawn from the treasury of the city nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the council.

27. City treasurer.—The city treasurer shall be elected at the time and in the manner and for the term provided in section sixteen of this charter. He shall give bond in such sum as the council may prescribe, with surety to be approved by the council, conditioned for the faithful discharge of his official duties in relation to the revenue of the city, and of such other official duties as may be imposed upon him by this charter and the ordinances of the city. Subject to the supervision of the city manager, he shall collect and receive all city taxes. levies, assessments, license taxes, fees and all other revenues or moneys accruing to the city, and for that purpose shall be vested with any and all powers which are now or may hereafter be vested in such city treasurer as collector of State taxes. He shall be custodian of all public money of the city, and of all other money coming into his hands as city treasurer. The city treasurer shall keep and preserve such moneys in such banks or trust companies as may be determined by the council by ordinance or resolution, or by the provisions of any law applicable thereto. It shall be the duty of said city treasurer to conduct all of the proceedings and render all services necessary to perfect the sale and transfer of real estate in said city where the same shall be sold or advertised for sale for the non-payment of any taxes or assessments imposed by the council. He shall perform such other duties, have such powers and be liable to such penalties as are now or may hereafter be prescribed by law or ordinance. For such services the city treasurer shall receive such compensation as the

council may from time to time prescribe by ordinance.

- 28. Commissioner of the revenue.—The commissioner of the revenue shall be elected at the time, in the manner and for the term provided in section sixteen of this charter. He shall give bond in such sum as the council may prescribe, with surety to be approved by the council, conditioned for the faithful discharge of his duties under this charter and under any ordinance of the city. He shall, subject to the supervision of the city-manager, perform such duties not inconsistent with the laws of the State in relation to the assessment of property and licenses, as may be required by the council for the purpose of levying city taxes and licenses. He shall perform such other duties in relation to the revenue of the city as may be imposed by the council. He shall have power to administer such oaths as may be required by the council in the assessment of license taxes or other taxes for the city. He shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council or by the city manager. For all such services the said commissioner of the revenue shall receive such compensation as the council may from time to time prescribe by ordinance.
- 29. Civil and police justice.—(a) Election and term.—The council shall, in the month of September, nineteen hundred and twenty-three, and biennially thereafter, elect a special justice of the peace to be known as the civil and police justice, who shall hold office for the term of two years from the first day of October ensuing his election and until his successor is duly elected and qualified, unless sooner removed from office.
- (b) Qualifications.—Such civil and police justice, at the time of his election and during his term of office, shall reside in the city and shall not, during the said term, hold any other office of public trust.
- (c) Oath and bond.—Such civil and police justice, before entering upon the performance of his duties, shall take the official oaths required by State law, before the clerk of the circuit court of the city. He shall also enter into bond in the penalty of two thousand dollars, before the clerk of said circuit court of the city, with surety to be approved by said clerk, and conditioned for the faithful performance of his duties as civil and police justice.
- (d) Compensation.—Such civil and police justice shall receive such salary as the council may determine, to be paid in monthly or semimonthly installments out of the treasury of the city, and he shall receive no other compensation for his services as such civil and police justice. His salary shall not be increased or diminished during his term of office.
- (e) Daily sessions; substitute.—The court of such civil and police justice shall be kept open for the transaction of business every day in the year, except Sundays and legal holidays, but the justice shall be allowed annually a vacation period of not more than one month between July first and October first. The council shall appoint

as substitute civil and police justice a person residing in the city, and may at any time revoke such appointment, and make a new appointment, in the event of such revocation, or of the death, absence or disability of such substitute civil and police justice. In the event of the inability of the civil and police justice to perform the duties of hisoffice by reason of sickness, absence, vacation, interest in the claim, proceeding or parties before his court, or otherwise, such substitute civil and police justice shall perform the duties of the office during such absence or disability, and shall receive for his services as per diem compensation equivalent to one-twentieth of a monthly installment of the salary of the civil and police justice payable out of the treasury of the city; and the council may from time to time, determine whether or not such compensation shall be deducted from the salary of the civil and police justice. While acting as such either the civil and police justice or the substitute civil and police justice may perform all acts with reference to the proceedings and judgments of the other in any warrant, claim or proceeding before the court of the civil and police justice in the same manner and with the same force and effect as if they were his own.

(f) Jurisdiction of the civil and police justice shall be as follows:

1. The said civil and police justice shall be a conservator of the peace within the corporate limits of the city and for one mile beyond said limits, and within such limits he shall have exclusive original jurisdiction for the trial of all offenses against the ordinances of the city; and, within the corporate limits of said city, and for one mile beyond such limits, he shall have concurrent jurisdiction with the circuit court of said city and with the circuit court of Nansemond county for the trial of all cases of violations of the revenue and election laws of the State, except the State law with reference to intoxicating liquors; and, except where it is otherwise especially provided, he shall have exclusive original jurisdiction for the trial of all other misdemeanor cases occurring within his jurisdiction; in all of which cases the punishment shall be that which is provided by law or ordinance.

2. In civil matters the jurisdiction of the civil and police justice

shall be that of justices of the peace for counties.

No other justice of the peace shall hereafter exercise such criminal or civil jurisdiction as is herein conferred on said civil and police justice, except as provided herein.

(g) Issuance of warrants.—A warrant within the jurisdiction conferred upon the civil and police justice shall be issued by him

and returnable only before him.

(h) Costs and fees.—The civil and police justice shall collect all costs and other fees required by law or ordinance to be paid, and, at or before the time of hearing had before him on any claim of which he is given jurisdiction by clause two of subsection (f) of this section, the plaintiff in such claim shall pay to the said civil and police justice a trial fee of fifty cents for each hundred dollars of value, or fraction thereof, claimed in the warrant. The trial fee shall be taxed as part of the cost. The civil and police justice shall pay monthly into the treasury



of the city all costs, trial fees and other fees collected by him. All fines paid to the said civil and police justice for violations of State

law shall be accounted for by him as required by law.

(i) Procedure.—All procedure in claims and proceedings of which the civil and police justice is given jurisdiction by clause two of subsection (f) of this section, except so far as is herein otherwise provided, shall conform to the chapter of the State law concerning warrants for small claims; except that no motion of either party the adverse party may be required to file the particulars of the claim or the grounds of defense, as provided in section sixty hundred and ninety-one of the Code of Virginia, and except that the proceedings in a cause wherein an infant or insane person is a party shall not be stayed because of such infancy or insanity, but the civil and police justice shall appoint some competent and discreet attorney at law as guardian ad litem to such infant or insane defendant, whether such defendant shall have been served with process or not; or, if no such attorney be found willing to act, the civil and police justice shall appoint some other discreet and proper person as guardian ad litem, who shall faithfully represent the interest or estate of the infant or insane person for whom he is appointed; but the said guardian ad litem so appointed shall not be liable for costs. The civil and police justice, upon rendering any judgment, may issue a writ of fieri facias thereon immediately, if there be not a new trial granted, nor an appeal allowed, nor a stay of execution; and he may, from time to time, renew such writ of fieri facias either before or after the expiration of one year from the date of the judgment.

(j) Appeals and removals.—In all misdemeanors triable before such civil and police justice under the provisions hereof, there shall be an appeal from his judgment to the circuit court of the city, as is now or may hereafter be provided by law for appeals from the judgment of justices of the peace of the counties. An appeal may be taken to said circuit court of the city from the judgment of said civil and police justice imposing a penalty for any infraction of a city ordinance, except that in cases where the penalty imposed is a fine not exceeding ten dollars, the judgment of the civil and police justice shall be final. In no civil cases triable before such civil and police justice shall a removal to any other court be allowed, but in all cases where the amount involved, exclusive of interest, is over twenty dollars, there shall be an appeal of right to the circuit court of the city, and all such appeals shall be tried and judgment rendered as provided by section sixty hundred and thirty-eight of the Code of Virginia; but no appeal shall be granted unless and until the party applying for the same has given bond in such amount and with such surety as is approved by the civil and police justice, to abide the judgment of the court upon the appeal. The clerk of the circuit court of the city, upon receipt of the papers in any such appeal case, shall, upon payment of the writ tax, forthwith docket such case in its regular order; but if said writ tax be not so paid within thirty days

from the date of the judgment, the said appeal shall thereupon stand



dismissed and said judgment shall become final, and the said papers, upon application of any party in interest, shall be returned to the civil and police justice by the clerk of said circuit court of the city. Appeal cases shall not have preference in such circuit court of the city,

as regards time of trial.

(k) Dismissal of claims; docket.—If any claim of which the civil and police justice is given jurisdiction by clause two of subsection (f) of this section shall have been pending before him sixty days, he shall notify the parties, or their counsel, that the same will be dismissed in ten days thereafter unless good cause be shown to the contrary, and, unless such cause be shown within said ten days, such civil and police justice shall forthwith dismiss such claim.

The civil and police justice shall keep a docket in which shall be entered all cases, civil and criminal, tried and prosecuted before

him, and the final disposition of the same.

All papers connected with any of the proceedings in the trial of cases before the civil and police justice, except such as may be removed on appeal and except also such papers in criminal matters as are required by law to be returned to and lodged in the clerk's office of the circuit court of the city, shall be properly indexed and filed and preserved.

(1) Rules of practice.—The civil and police justice shall have the power to make and enforce such reasonable rules of practice as

are not in conflict with law.

(m) Court room, books and stationery.—The council shall provide a suitable court room for the civil and police justice, and shall furnish all necessary furniture, books and stationery. Such books shall be under the control of the civil and police justice and shall

remain the property of the city.

(n) Removal from office.—The civil and police justice may be removed or suspended from office by the circuit court of the city for malfeasance, incompetency, gross neglect of official duty, or corruption in office. All proceedings for such removal or suspension shall be by order of and on motion before the said circuit court of the city, upon reasonable notice to the civil and police justice to be affected thereby. Such officer shall have the right to demand a trial by jury.

Vacancy.—Any vacancy occurring in the office of civil and police justice arising from the resignation, removal or death of the incumbent shall be filled by the council by election of a person with the qualifications prescribed by subsection (b) of this section.

30. Actions against the city for damages.—No action shall be maintained against the said city for damages for an injury to any person or property alleged to have been sustained by reason of the negligence of the city, or of any officer, agent or employee thereof unless a written statement, verified by the oath of the claimant, his agent or attorney, of the nature of the claim and of the time and place at which the injury is alleged to have occured or been received, shall have been filed with the city manager within ninety days after the injury occured. And in any action against the city to recover damages against it for any negligence, where any person, firm or corporation is liable with the city for such negligence, every such person, firm or corporation shall be joined as defendant with the city in any action brought to recover damages for such negligence, and when there is a verdict and judgment against the city, as well as against the other defendant, it shall be ascertained by either the court or the jury which of the defendants is primarily liable for the damages assessed.

Bond issues.—The council may, by a recorded affirmative vote of three-fifths of all the members elected thereto, from time to time issue and sell bonds for the needs, uses and purposes of the city, or for the purchase and acquisition of land or other property for public school purposes or for school buildings and the equipment thereof, or for any other purpose now or hereafter authorized by general law, which bonds shall be either registered or coupon bonds and shall be issued in such denominations and bear such rate of interest, not exceeding six per centum per annum, as may be determined by the council. Such bonds shall be made payable in gold or currency, not exceeding fifty years from their date, and may, at the option of the council, be made redeemable after such time as the council may determine. Interest shall be payable annually or semiannually, as may be determined by the council. All of such bonds shall be exempt from the city of Suffolk taxes and a clause to that effect shall be inserted in each bond. The council may determine the price at which such bonds shall be sold.

All bonds issued by virture of this section shall be signed by the president of the council and countersigned by the city clerk, and shall have the seal of the city affixed thereto. The said bonds shall be issued and sold and the proceeds used under the order of the council. Every bond issued by the council shall state on its face for what purpose or purposes it was issued, and the proceeds of such bonds shall be applied exclusively to the purpose or purposes for which

such bonds were issued.

The bonded debt of the city shall at no time exceed in the aggregate the limit prescribed by the Constitution of this State.

The council shall make annual appropriations out of the revenues

of the city to pay the interest on the bonds of the city.

Whenever the council shall hereafter issue and sell bonds, the said council shall annually set apart from the revenue of the city such sum as will be sufficient to meet every such issue of bonds as the same shall become due. The said sum thus set apart, together with the accretions thereto arising from interest or investments or otherwise, shall be known as the sinking fund, and shall be applied and used only for the payment of the bonded debt of the city as it shall become due; and until so applied the said sinking fund, with its accumulation of interest, shall be invested in bonds of the United States, or of the State of Virginia, or of the city of Suffolk, or of any city in the State of Virginia having a population of ten thousand inhabitants or over, according to the last United States census, or deposited in bank on a reasonable rate of interest. Provided, however,

that for any issue of bonds a definite amount of which is payable annually or otherwise and known as "serial bonds," no sinking fund shall be so provided, but for the payment of such serial bonds the council shall make provision in the budget.

The council may, in its discretion, provide a sinking fund for the payment of the present bonded indebtedness of the city; and such sinking fund so provided shall be applied and invested as authorized

and directed in this section.

32. Passage of certain ordinances and resolutions.—No ordinance or resolution appropriating money exceeding the sum of one hundred dollars, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all the members elected to the council; nor shall any ordinance or resolution appropriating money exceeding the sum of one thousand dollars, imposing taxes, or authorizing the borrowing of money be valid unless at least three days intervene between the introduction and passage of such ordinance or resolution.

33. License taxes.—(a) Whenever any business, trade, occupation, calling or other thing is to be done within the city, for which a State license is required, or may, under the Constitution of this State, or the Constitution and laws of the United States, be required, the council may require a city license to be had for doing the same and may impose a tax thereon for the use of the city, before any person, firm or corporation shall be permitted to pursue such business, trade, occupation, calling or other thing within the corporate limits of the city, provided that nothing herein contained shall be construed to authorize the requirement of a license or the imposition of a tax in any case where said requirement or imposition by cities and towns is forbidden by general law.

(b) The council may require every person, firm or corporation using or operating a cart, wagon, dray, buggy, motorcycle, automobile, motor truck, or other vehicle, on the streets of the city to secure a license and to pay a tax therefor, whether such vehicle is used

or operated for compensation or not.

(c) The council may subject any person, firm or corporation who or which without having obtained a license therefor, shall follow any business, occupation, vocation, trade, pursuit, calling, or shall do any other act for which a license is required pursuant to sub-sections (a) and (b) of this section, to such fine or penalty as it is authorized to impose for any violation of its laws.

(d) The council may, in its discretion, determine whether or not the commissioner of the revenue shall receive fees for issuing and transferring city licenses, and it may fix the amount of such fees and change the same from time to time; provided, however, that no such fees shall be payable out of the city treasury, but shall be paid by the person obtaining the license or transfer, and such license or transfer may be withheld by the commissioner of the revenue until such fees are paid.

- 34. Property taxes; lien for taxes.—(a) For the execution of its powers and duties, the council may impose a tax on property of all kinds and classes, subject to taxation in the city, provided that the tax on any particular class of property shall not be at a higher rate than is or may be permitted by the State laws relating thereto, and provided, further, that the city rate on real and tangible personal property shall not exceed two dollars and twenty-five cents on each one hundred dollars of the assessed value thereof.
- (b) There shall be a lien on real estate for the city taxes assessed thereon from the commencement of the year for which they are assessed. The council may require real estate in the city delinquent for the non-payment of taxes to be sold for said taxes, with interest thereon, and such per centum for expenses of collection as the council may prescribe; and the council may regulate the terms on which real estate so delinquent may be sold or redeemed, provided, however, that such sales shall be made subject to prior lien of the Commonwealth for taxes.
- 35. Laying out of streets.—No property within the corporate limits of the city or within one mile of said limits, as now or hereafter established, shall be laid out with streets or alleys thereon, except upon a plan or plat to be submitted to the city manager and approved by the council. The said plan or plat shall, if approved by the council, be recorded in the proper clerk's office within sixty days after such approval. The council may, before approving any such plan or plat, require the owner to lay out and establish proper building lines on the platted land and to show on the plat that all conveyances of lots shown on the plat are to be made with reference to such building lines, for the benefit of the respective lot owners and the city.

Notwithstanding anything in this section contained, the city shall not be liable for any accidents or damages which may occur or be sustained upon any street, alley, boulevard or way, heretofore or hereafter laid out, until and unless the said street, alley, boulevard or way shall have been accepted by the council. Nor shall the approval of any plan or plat in this section referred to, be taken as an acceptance by the council of any street, alley, boulevard or way shown thereon.

- 36. Oath of office and qualification.—Except as otherwise provided by general law or by this charter, the members of the council and all officers elected or appointed under the provisions of this charter, shall, before entering upon the discharge of their duties take the oath of office and execute such bond as may be required by general law, before the clerk of the circuit court of the city, and, if the requirements of this section have not been complied with by any councilman or officer within thirty days after his term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant.
- 37. Working prisoners—Subject to the general laws of the State regulating the working of those convicted of offenses against the State, the council shall have the power to provide for the employment or the working, either within or without the city limits, or

within or without any city prison or jail, of all persons sentenced to confinement in said prison or jail for the violation of the laws

of the State or the ordinances of the city.

38. Continuance in office.—All members of the present council and all other persons holding office in said city shall continue in office to the end of the terms for which they were respectively elected and until their respective successors shall have been elected and qualified, and shall exercise the powers conferred and perform the duties imposed by this charter or by such provisions of the general law as are not in conflict with this charter.

39. General laws to apply.—All general laws of the State applicable to municipal corporations, now in existence or hereafter enacted and which are not in conflict with the provisions of this charter or with the ordinances or resolutions heretofore or hereafter enacted or adopted by the council pursuant to authority conferred by this charter, shall be applicable to the said city; provided, however, that nothing contained in this charter shall be construed as limiting the power of the council to enact any ordinance or adopt any resolution not in conflict with the Constitution of this State or with the express provisions of this charter.

40. Existing ordinances and resolutions.—All ordinances and resolutions in force at the time of the taking effect of this charter and not inconsistent with its provisions shall continue in force until

amended or repealed.

41. Repealing clause.—All acts and parts of acts in conflict with this charter are hereby repealed insofar as they affect the provisions of this charter, and former charters for the said city, and amendments thereto, are hereby repealed.

42. Citation of act.—This act may for all purposes be referred to and cited as the Suffolk charter of nineteen hundred and twenty-

two.

43. When charter takes effect.—An emergency is hereby declared to exist, and this act shall be in force and effect from its passage.

CHAP. 65.—An ACT for the protection of fish in Buchanan county. [H B 55]
Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to take, catch or destroy in any of the waters of Buchanan county any fish between the first day of November and the first day of July following. Any person violating the provisions of this act shall be fined not less than five nor more than twenty-five dollars.



CHAP. 66.—An ACT to prevent bathing in the waters of certain portions of the Elizabeth river, polluted with sewage. [H B 52]

## Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to bathe in that portion of the waters of the Elizabeth river, west of a line drawn across the Elizabeth river in the projection of the eastern line of Willoughby avenue of the city of Norfolk and south of a line drawn across Elizabeth river in the projection of the northern line of Fifty-first street of the city of Norfolk; and any person bathing within such prohibited area at any time shall be guilty of a misdemeanor and shall be liable to be fined not less than five nor more than one hundred dollars, or to be confined in jail for not less than one nor more than ten days.

CHAP. 67.—An ACT to authorize the Commission of Fisheries to refund amounts paid under mistake for rent of oyster grounds. [H B 32]

#### Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That whenever it is made to appear to the commission of fisheries, by satisfactory evidence, that any person has, under mistake of law or fact, paid to the Commonwealth any sum or sums of money for the rent of oyster grounds, he then and there not being legally obligated to pay the same, the said commission, if of opinion that justice so requires, may refund the same. All amounts refunded under this act shall be paid out of then current appropriations made for the work of the said commission.

CHAP. 68.—An ACT to prohibit the killing of muskrats in this State between half an hour after sundown and half an hour before sunrise, except with traps.

[H B 27]

Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to kill, capture, or take in any manner muskrats in the tidewater section of this State between half an hour after sundown and half an hour before sunrise, except by means of traps.

2. Any violation of the provisions of this act shall be deemed a misdemeanor and punished by a fine of not less than ten dollars nor more than twenty-five dollars or imprisonment in jail for not more than thirty days, or both, in the discretion of the justice or jury trying the case.

3. All acts or parts of acts in conflict with this act are hereby

repealed.



CHAP. 69.—An ACT to provide a new charter for the town of Strasburg, in the county of Shenandoah, and to repeal all acts or parts of acts in conflict therewith.

[H B 21]

Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That all former charters of the said town of Strasburg, in said county of Shenandoah, and all acts amendatory thereof or pertaining specifically to the corporate powers of said town, be consolidated into one act and amended in manner and form following, and that so amended the same shall be and constitute a new charter for the said town of Strasburg.

Section 1. The inhabitants of the town of Strasburg, in the county of Shenandoah, as the same is now or hereafter may be established by fixed territorial limits, shall be and are hereby made a body, politic and corporate, to be known and designated by the name of the town of Strasburg and as such shall have and exercise the powers conferred upon incorporated towns under the general laws of the State of Virginia, passed under and pursuant to the Constitution of said State, for the government of cities and towns of the Commonwealth (so far as the same apply to towns as defined by the general law now in force and as hereafter may be amended and changed by the general assembly) and the provisions of the general laws and the Constitution of the State, relative to such towns are hereby incorporated in and made a part of the charter of the said town of Strasburg as fully in every respect as if such general laws and constitutional provisions were fully set forth herein, except insofar as the same are inconsistent with the provisions of this act.

Section 2. The corporate limits of the town of Strasburg shall be the same as are set forth in and made a part of an order of the circuit court of Shenandoah county, Virginia, entered on October tenth, nineteen hundred and twenty-one, and of the plat designating the boundaries of said town as extended and fixed by the said order and recorded with said order in the clerk's office of the said county of Shenandoah, in deed book ninety, page two hundred and ninety-six.

Section 3. On the second Tuesday in June, nineteen hundred and twenty-two, and every two years thereafter, as provided by law, there shall be elected by the qualified voters of the town one elector of the town, who shall be denominated the mayor, and eight other electors who shall be denominated the councilmen of the said town of Strasburg, and said mayor and councilmen shall constitute the town council and be the governing body of the said town of Strasburg. They shall enter upon the duties of their offices on the first day of September next succeeding their election and shall continue in office until their successors are duly qualified. Every person elected as councilman shall take an oath faithfully to execute the duties of his office to the best of his judgment and ability. The person elected as mayor shall take the oath prescribed by law for State officers.

Section 4. There shall be appointed for the town a registrar and officers of election in the manner prescribed by the general law of

Virginia, and all elections held in said town shall be governed in accordance with said general law.

Section 5. The council of the town shall judge of the election, qualification and return of its members; if any person returned be adjudged disqualified, a new election to fill the vacancy shall be ordered by the council and held on such day as it may designate by ordinance. Any vacancies otherwise occurring shall be filled by the council. A vacancy in the office of mayor shall be filled by the council from the electors of the town. For the transaction of business by the council five members (not counting the mayor as one) shall constitute a quorum.

Section 6. The mayor of the town and the councilmen thereof shall be clothed with all the powers and authority of a justice of the peace in civil matters within the limits of the town and in criminal matters, including violations of ordinances, within the limits of said town and one mile beyond. The council shall have the authority, however, by a two-thirds vote to designate any justice of the peace in Davis magisterial district and residing within said town of Strasburg, duly elected as such justice, to hear and dispose of all violations of the ordinances of said town within the limits of said town and one mile beyond said limits, and of all criminal cases within said territory within the jurisdiction of such justice. The said justice shall be provided with a place within said town to be used in the trial of such cases and he shall hold said office at the pleasure of said council. All trials held in pursuance of this section shall be held and conducted as criminal cases are heard and tried in State courts, presided over by justices of the peace, and appeal shall lie to the circuit court of Shenandoah county. The council may, from time to time, pass such ordinances as may be necessary to give this section proper force and effect and to prescribe rules of procedure. collection of penalties, costs, et cetera. The compensation of the said justice or of any official of the town who may be associated with said justice, or who alone may hear such cases, shall be fixed by ordinance duly enacted by the council.

Section 7. The jurisdiction of the corporate authorities of the town in all criminal matters and for imposing and collecting license taxes on shows, performances and exhibitions, shall extend one mile beyond the corporate limits of the said town of Strasburg. All fines and costs imposed for offenses committed within the limits of said town and one mile beyond the same, when not paid to the trial justice imposing such fine, shall be collected by the sergeant of the town and turned into the treasury of the town.

Section 8. The council may require the mayor to communicate to it annually as soon as may be practicable after the close of the fiscal year, or oftener if necessary, a general statement of the conditions of the town in relation to its government, finances and public improvements with such recommendations as he may deem proper, and the mayor may at any time, upon his own motion and at his pleasure, make such report and statement to the said council. The mayor shall

exercise a constant supervision over all the affairs of the town and over the conduct of all subordinate officers. He shall have the power and authority to investigate the acts of such authorities, have access to all books and documents in their control and may examine such officers on oath. He shall have power to suspend all officers appointed by the council until the next regular meeting of the council, but such suspension shall in all cases be for misconduct in office or neglect of duties, the same to be specified in the order of suspension. In case of the suspension of any such officer, the mayor may appoint some other person in his place to hold such office and perform the duties thereof until the next regular meeting of the council. At such regular meeting, the mayor shall report such suspension, together with his reason therefor.

Section 9. The mayor may appoint special policemen when in his judgment it is best for the peace and good government of said town. The mayor may, at any time that the welfare and peace of the town require it, direct the police force of the town in the performance of any of its special or regular duties.

Section 10. The council shall, by ordinance or resolution, fix the time of its regular meetings; but a meeting may be called and convened by the mayor or by any three members of the council by giving due notice to all members of the council at any time, but at such call meetings no business shall be transacted except such as may be plainly stated in such call.

Section 11. The council may adopt rules for the regulation of its proceedings but no tax shall be levied or corporate debt contracted except by a vote of two-thirds of the council, six votes being counted as two-thirds, the mayor having no vote except in case of a tie, which vote shall be taken by yeas and nays recorded on the journal in which the minutes of all meetings of the council are kept. It may appoint such committees as may be deemed proper for the transaction of business and may compel the attendance of absent members. The mayor shall preside over the council but shall not be entitled to vote on any question except in the case of a tie. A journal shall be kept of the proceedings of all metings of the council and at the request of any member the yeas and nays shall be recorded on any question.

Section 12. Every ordinance passed by the council for the violation of which any penalty is imposed, shall be published in such way as the council may order, so as to give general publicity thereto and no such ordinance shall become effective until the same shall have been published, either by handbills or in some paper published in the town, as the council may deem proper. If the publication be by handbills, a certificate of the posting of them shall be given by the sergeant to the clerk of the council; provided, however, that after the expiration of six months from the date of the passage of such ordinance its publication shall not be questioned or its validity affected by any failure to publish the same.

Section 13. In addition to the powers conferred by other general statutes, the council of the town shall have the power to lay off

streets, walks or alleys; alter, improve and light the same and have them kept in good order; to lay off public grounds and provide all buildings necessary for the town; to abate and remove nuisances; to make regulations and provisions in reference to contagious diseases; to regulate the keeping of gun powder or other combustibles within the corporate limits and beyond within one mile thereof; to regulate the keeping of gasoline, kerosene and other cumbustible oils within the town or out of the town near the corporate limits, and may prohibit the keeping of more than certain fixed quantities of gasoline and other such combustible or explosive products at certain places and within fixed areas and permit the storage of larger quantities at other places within and beyond the limits of the town; to provide, permit or prohibit the establishment of cemeteries or places for interment of the dead in or within one mile of the town, and to regulate the same, and also all such places heretofore established: to acquire control or establish, maintain, operate, extend and enlarge water works, ice plants, gas works, electric light and power plants and other public utilities within or beyond the limits of the town for the purpose of supplying the inhabitants of the town with gas, light, power and other benefits and conveniences for public use, and for such other purposes as are permitted by the laws of the State; to acquire within or beyond the limits of the town by purchase, condemnation or otherwise, whatever land may be necessary for constructing, locating, establishing, maintaining, operating, extending, or enlarging any such water works, ice plants, gas works, electric plants and other plants and facilities necessary for establishing, any and other public utilities, and also the rights of ways, rails, pipes, poles, conduits or any of the fixtures or appurtenances thereof; to lease, own, operate or maintain rock quarries and land within or out of the town for the purpose of obtaining material for use upon the public streets, places or works of the town and to own and operate all machinery and plants necessary for the operation and development of any such quarries; to prevent the pollution of water and injuries to water works and electric light plants and their appurtenances, for which purposes the council shall have jurisdiction for ten miles bevond the limits of the town in like manner as if said works, plants and other such property of the town were within the town, and to protect from injury by ordinance with adequate penalty, the pipes, poles, works, fixtures, land and other things used in connection with the water works, electric plants or other public utilities owned or controlled by the town; to make, erect, and construct within or beyond the limits of said town septic tanks and other sewage disposal plants, sewers and public ducts and to acquire within or beyond the limits of said town, by purchase, condemnation or otherwise, so much land as may be necessary to make, erect, construct, operate and maintain the same; to make regulations concerning the building of houses in said town and to establish and maintain public squares, parks and playgrounds and boulevards and cause the same to be laid out, equipped or beautified and, in particular districts or along particular

streets, to prescribe and elect building lines, regulate the height and character of buildings, and to require the removal of any delapidated, unsightly or unused buildings, especially where same constitute a dangerous menace and fire risk; to locate and establish or re-locate and re-establish permanent street lines where same are in doubt and after due notice to all parties in interest; to make regulations for the purpose of guarding against accidents, fires and other dangers to the general public; to regulate the means of exit from houses used for the assemblage of the public; to prevent injury or annoyance to the public from anything dangerous, offensive or unwholesome; to protect places of divine worship and to prevent disturbances of public worship in and about the premises where held; to provide for order and preservance of the Sabbath Day; to prevent vice and immorality; to suppress houses for gambling and of ill fame; to appoint and publish the places for holding town elections and the time of holding special elections and polls.

Section 14. In any case where a street of the town or other public place has been or may be encroached upon by any fence, building or other structure, the council may require its removal and may cause such encroachment to be removed at the expense of the person responsible therefor. No encroachment on any street, sidewalk or public place, however long continued, shall constitute an adverse pos-

session or right against the town.

Section 15. Any street or alley reserved in the division or subdivision in the lots of any portion of the territory within the corporate limits of said town by plat or plan of record, shall be deemed and held to be a dedication to the uses of the town and general public and this provision shall apply, though the subdivision of such territory into lots streets and alleys, shall have taken place prior to the inclusion of such territory within the corporate limits of said town. Whenever any street or alley within the town shall have been opened to and used by the public for a period of five years, the same shall thereby become a public street or alley.

Section 16. In addition to the right of the town under the general law to negotiate temporary loans and thereby anticipate its income for and during any year, the council in the name of and for the use of the said town of Strasburg, may contract loans, incur debts and cause certificates of debt or bonds to be issued whenever two-thirds of its members, by a recorded vote, decide that such course is in the best interest of the town and necessary in the acquirement and establishment of some needed public improvement or utility, but such council may borrow money in such manner and for such purposes only to the extent and subject to the provisions prescribed by the Constitution and laws of Virginia. The council shall not have the power to issue any bonds or certificate of debt except such as are to be paid and discharged within one year from date of issue out of the regular income of the town until it shall have first submitted to the qualified voters of said town whether or not such bonds shall be issued and the majority of the qualified voters voting at any election held for such purposes have voted for such issue. Such election shall be held in the manner prescribed and under the provisions of the general laws of the State of Virginia, except the council shall have the power to call such election and fix the date thereof by ordinance, copies of which shall be published in some newspaper published in said town or the nearest paper published thereto and posted at least twenty days from such election in at least five public places by the sergeant thereof. The judges conducting any such election shall certify the return to the clerk of the circuit court of Shenandoah county and to the said council, and the court shall enter of record such order as the case may require and as provided by law. Any bonds which may be issued under this act may be either registered or coupon bonds and the purposes for which said bonds are issued shall be clearly set forth therein. They shall be issued in such denominations and bear such rate of interest, not exceeding six per centum, as may be determined by the council. They shall be made payable at such time as the council may prescribe, not exceeding thirty years from their date, and may at the option of the council be made redeemable after such time and in such amounts as the council may prescribe. The interest thereon may be made payable at such place as the council may designate, either annually or semiannually. All bonds issued under this act shall be signed by the mayor and countersigned by the clerk of the council with the seal of the town attached. They shall be sold in such manner as the council may prescribe and the proceeds from such sale used and expended under the orders of the council.

Section 17. The council shall have the power to impose taxes and assessments upon abutting landowners for making and improving the walkways upon then existing streets and improving and paving then existing alleys and for either the construction or for the use of sewers in accordance with the provisions of the State Constitution

and general laws of the State enacted in regard thereto.

Section 18. There shall be elected by the council at its first meeting in September after its election, or as soon as practicable thereafter, a treasurer, a recorder or clerk of council and sergeant, whose terms of office shall be co-equal with the time the council appointing same shall continue in office, unless sooner removed as provided by this charter or any ordinance of the town. The salaries and compensation to be paid said officers, together with their duties, shall be fixed by the council. The council may appoint or elect such other officers as may be necessary to the best interest of the town. All officers elected or appointed by the council shall be residents of said town and shall have resided therein at least three months prior to their election or appointment.

Section 19. The mayor may receive a salary to be fixed by the council, but such salary shall not be increased or diminished during his term of office. The councilmen may be paid a compensation for attendance upon the meetings of the council, but the compensation for attending such meetings shall not exceed in the aggre-



gate twenty-five dollars per annum each. The council may provide for additional compensation to such of their committees performing special work to the extent that may be reasonable and fair.

Section 20. All ordinances now in force in the town not inconsistent with this act or the laws of this State and of the United States, shall be and remain in force until altered, amended or repealed by the council of said town.

Section 21. All former acts and parts of acts of the general assembly in relation to said town in conflict with the provisions of this

act are hereby repealed.

Section 22. Inasmuch as there is a necessity for its going into effect at the earliest possible moment, this act is declared to be an emergency act and the same shall be in full force and effect from the date of its passage.

CHAP. 70.—An ACT to amend and re-enact section 48 of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section 189 of the Constitution, approved April 16, 1903, as heretofore amended.

[H B 60]

### Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That section forty-eight of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution, approved April sixteenth, nineteen hundred and three, as heretofore amended, be amended and re-enacted so to as read as follows:

Sec. 48. Commission merchants and brokers.—Every person, firm or corporation, doing business in this State who receives or distributes provisions and merchandise, including flour, hay or grain, shipped to such persons, firm or corporation for distribution on account of the shipper, or who participates in the profits, ensuing from or accruing out of the sales of such provisions or merchandise, including flour, hay or grain, or who invoices such sales or collects the money therefor, shall be deemed to be a broker who receives or distributes provisions and merchandise, including flour, hay or grain.

and merchandise, including flour, hay or grain.

Every person, firm or corporation, buying or selling for another any kind of merchandise, on commission, except associations or organizations of farmers, including produce exchanges, organized and maintained by farmers for mutual help in the marketing of their produce and not for profit, shall be a commission merchant. Any person, firm or corporation licensed as a commission merchant may sell any personal property which may be left with, or consigned to him for sale, except wine, ardent spirits and malt liquor, gold or silver coin, bonds, certificates of public or private debts or other securities,

provided, however, that any such merchant may sell wine, ardent spirits, and malt liquor, gold or silver coin, certificates of public or private debts or other securities, by taking out the license therefor prescribed in the case of liquor merchants or stock brokers. Any person, firm or corporation, buying or selling contrary to the provisions of this act, or who shall in any manner violate the same, shall pay a fine of not less than fifty dollars nor more than one thousand dollars, for every offense.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 71.—An ACT to validate and ratify the conveyance of a certain lot in the city of Williamsburg by the mayor thereof to Moses R. Harrell, junior.

[H B 155]

#### Approved February 25, 1922.

Whereas, by deed dated May first, eighteen hundred and seventy-one, and recorded in Williamsburg deed book number one, at page two hundred and seventy-one, William R. C. Douglas, mayor of the city of Williamsburg, conveyed to Moses R. Harrell, junior, the following described lot of land, with the buildings thereon, situate in the city of Williamsburg:

"Continuing one (1) acre, more or less, and bounded as follows: On the north by Main street; south by Francis street; east by ......street; and west by the street connecting Main and Francis streets." This property is now known as the "City Hotel property"; and,

Whereas, it appears that the common council of said city authorized and directed the sale of said property to said Moses R. Harrell,

junior, and,

Whereas, it appears that the validity of said conveyance has been questioned by reason of the fact that said conveyance does not appear to have been authorized by the general assembly of Virginia; and,

Whereas, it is the desire of the common council of the city of Williamsburg and of George S. Martin, the present owner of said property, to have the said conveyance to Moses R. Harrell, junior, validated and confirmed by the general assembly of Virginia;

- 1. Be it enacted by the general assembly of Virginia, That the said conveyance of the lot of land and buildings thereon, in the city of Williamsburg, from William R. C. Douglas, mayor of the city of Williamsburg, to Moses R. Harrell, junior, be, and the same is, hereby validated, ratified, approved and confirmed, notwithstanding any irregularity in said conveyance by reason of the fact that said conveyance was not previously authorized by an act of the general assembly of Virginia.
- 2. All acts or parts of acts in conflict with this act are hereby repealed.
- 3. An emergency existing, this act shall be in force upon its passage.

CHAP. 72.—An ACT to amend and re-enact an act entitled an act to provide for the protection of the wild life in the county of Clarke, approved March 19, 1920.

[H B 220]

Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to provide for the protection of the wild life in the county of Clarke, approved March nineteenth, nineteen hundred and twenty, be amended and re-enacted to read as follows:

Section 1. It shall be unlawful to hunt, kill or capture any pheasants, wild turkeys, quail or rabbits in the county of Clarke between

the first day of January and the fifteenth day of November.

Section 2. It shall be unlawful for any person to take or capture in the waters of Clarke county any trout or bass by means of fish pots, gigging or trot lines.

Section 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined

not less than five nor more than twenty-five dollars.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

CHAP. 73.—An ACT to authorize the board of supervisors of Wise county to establish a home for women and girls convicted of certain offenses.

[H B 221]

# Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Wise are hereby authorized to establish at Wise, Virginia, on such site as may be selected or acquired for the purpose, a home for women and girls convicted of prostitution or of being a keeper, inmate or frequenter of a house of ill fame, prostitution or assignation, or of soliciting for immoral purposes, or committed to jail by any health board or any other public institution to be treated for venereal disease. Such home shall be under the supervision of a board of trustees consisting of three discreet citizens of the county to be appointed by the judge of the circuit court of the said county. The first appointment shall be one for a term of one year; one for a term of two years, and one for a term of three years, and subsequent appointments shall be for terms of three years. Vacancies shall be filled for the unexpired term. Such board shall have the management and control of the said home; shall establish a system of government therefor; make all necessary rules and regulations for the care, support and discipline of the inmates; and shall adopt and use any method of education and employment which in their judgment will best promote the interests of those confined therein, and secure their reformation. The board of supervisors may annually appropriate funds necessary for the conduct and maintenance of the home. For State prisoners confined in the home aforesaid, the county of Wise shall be entitled to receive from the State treasury the same fees as are allowed by law to jailers, the same to be paid in the same manner.



2. But this act shall not be construed to prohibit the commitment of any such misdemeanant to any State institution authorized to receive such person. Any such person, however, may be held temporarily in such home pending admission to such State institution.

CHAP. 74.—An ACT to authorize the board of supervisors of Pittsylvania county to borrow a sum not exceeding \$250,000.00 to be used for general county purposes, including public free schools, public roads and bridges, and to pay the indebtedness of said county incurred under act of the general assembly, approved February 4, 1920. [H B 180]

### Approved February 25, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Pittsylvania county be and is hereby authorized and empowered to borrow a sum not exceeding two hundred and fifty thousand dollars, and to execute bonds or notes to secure the repayment of same, the said bonds or notes to be executed by the chairman of the said board and countersigned by the clerk thereof, and devisible in such sums as the board may determine, and payable at such times as said board may determine, not exceeding ten years from date, and bearing interest at a rate not exceeding six per centum per annum, and at maturity to be paid out of the general county levy. Said sum shall be used and expended by the said board for general county purposes, including public free schools, public roads and bridges, and to repay the indebtedness of seventy-five thousand dollars of said county, incurred by virtue of an act of the general assembly, approved February fourth, nineteen hundred and twenty, authorizing said county to borrow money; provided said board of supervisors, at its option, may liquidate one-tenth of the indebtedness incurred under this act annually.
- 2. An emergency existing by reason of the pressing need for money for the purposes aforesaid, this act shall be in force from its passage.
- CHAP. 75.—An ACT to amend and re-enact sections 1, 2 and 5 of article 2 and section 1 of article 8 of an act entitled an act to incorporate the town of Phoebus, in Elizabeth City county, approved January 22, 1900, as heretofore amended by an act approved March 2, 1914, and by an act approved March 1, 1916, and as heretofore amended by an act approved March 24, 1920.

Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That sections one, two and five of article two, and section one of article eight, as heretofore amended, of the charter of the town of Phoebus, in Elizabeth City county, be amended and re-enacted so as to read as follows:

#### ARTICLE No. 2.

Section 1. There shall be elected on the second Tuesday in June. nineteen hundred and fifteen, and every two years thereafter, two electors from each of the said wards, who shall be called councilmen of said town, and there shall also be elected at the same time a mayor, a town recorder and a treasurer, who shall also be electors of the said town, and each of the said officers shall hold office for two years and until their respective successors shall have been elected and have qualified. A majority of the council shall constitute a quorum for the transaction of business, but no ordinance or resolution shall be adopted, having for its purpose the appropriation of money for other than current expenses, or for the borrowing of money except by the concurrent vote of at least six members of the council, and upon the demand of one member the yeas and nays on such ordinance or resolution shall be taken and entered upon the records of the council. Should three or more electors from one or more wards receive the same number of votes, at any election for councilmen, or any two or more electors receive the same number of votes for either the office of mayor, town recorder or treasurer, then in such event the councilmen who are elected at such election shall organize and proceed to determine by lot who shall be declared elected to the said offices, respectively. The members of the said council shall be vested with all the rights and powers conferred upon them by the general laws of this State and by this act. The council shall fill any vacancy existing in the offices herein named for the unexpired term of such office.

Sec. 2. At the first meeting of each council after the members thereof shall have qualified, such council shall appoint a town sergeant who shall be an elector of the said town and not a member of the council. The town sergeant shall perform the duties herein specified and hold office for two years or until his successor shall have been appointed and have qualified, subject to the general laws and the powers of this charter as to removal before the expiration of his term of office, and in the event of any vacancy existing in said office the council shall fill such vacancy for the unexpired term of such office.

The mayor shall be chief magistrate of the municipal corporation hereby created, and is vested with all rights, powers and privileges conferred upon such office by the general laws governing towns of less than five thousand inhabitants; and in civil cases that arise within the corporate limits, he shall have and exercise all powers vested in a justice of the peace by the laws of this State. The mayor shall be president of the council, and as such, shall preside at its meetings, but he shall have no vote, except that in case of a tie, upon any question which may be before the council for consideration, the mayor shall have the casting vote. He, or any three members of the council, may call special sessions of that body.

The mayor shall receive for his services such a salary as the council may deem proper, provided the same shall not exceed one

thousand two hundred dollars per year, which salary shall be in full compensation for all services and in lieu of all fees for the trial of State and municipal offenses, but the mayor shall receive, in addition to his salary, the fees allowed by law for the hearing of civil cases; he shall tax and collect the usual fees for violation of State and municipal laws prescribed by the statute, or by the ordinances of the town, and all fees so collected shall be paid into the town treasury monthly, and the mayor shall perform such other duties as the council may prescribe in addition to the duties required of him by the general laws of this State and of this charter.

It shall be the duty of the recorder to keep a fair and proper record of the proceedings of the council, and to publish in such manner as the council may indicate, the bylaws, ordinances and resolutions that may from time to time be adopted. He shall, under such ordinances and resolutions as the council may adopt issue licenses to all persons engaged in a pursuit, business, occupation, calling, profession or other purpose for which a license shall be required, and shall perform such other duties as may be required of him by the council and by the provisions of this act, for which services he shall receive such compensation as the council may determine to be right and proper, not exceeding seventy-five dollars per month. But before entering upon the discharge of his duties, the recorder shall enter into a bond, with security to be approved by the council in the penalty of five hundred dollars, payable to the town of Phoebus, Virginia, conditioned upon the faithful performance of his duties.

The treasurer shall keep all funds and other moneys belonging to the corporation, and pay out the same on the order of the council, drawn by the mayor and attested by the recorder. The said treasurer shall be required to give bond before entering upon the discharge of the duties of his office, with security to be approved by the council, in the sum of five thousand dollars, payable to the town of Phoebus, Virginia, and shall make to the council, at such times as it may require, a statement of all his receipts and disbursements. He shall receive no salary, but his compensation for the performance of his duties shall be a commission of five per centum of all moneys received by him from all sources, except on the proceeds of bonds issued by the town or money borrowed by the town, upon which amounts collected as the proceeds from the sales of bonds or from money borrowed he shall receive a commission of one-fourth of one per centum only, and no money collected and invested by the town and subsequently paid back, upon which he shall receive a commission of five per centum only upon the interest collected thereon.

The town sergeant shall be a conservator of the peace, and, in civil cases that may arise within the corporate limits of the town, he shall be vested with all the power which the general laws of this State confer upon constables; his jurisdiction as a police officer shall extend one mile beyond the corporate limits. He shall possess the like right of distress and power in collecting municipal taxes possessed by a sheriff or constable in collecting State and county taxes.



All fees arising from the performance of his duties, other than in civil matters, shall be collected by the mayor and turned into the treasurer of the town. He shall receive as the full compensation for the discharge of his duties, other than those in purely civil matters, such salary as may be prescribed by the council, not exceeding one hundred dollars per month. The sergeant, before entering upon the discharge of his duties, shall execute a bond, with security to be approved by the council, in the sum of one thousand dollars, payable to the Commonwealth of Virginia, and conditioned upon the faithful discharge of his duties, and the payment to the said town of all moneys and fines collected and received by him by virtue of his office. and such bond shall be recorded in the clerk's office of the county court of Elizabeth City circuit; the town sergeant shall be under the direct control of the council and shall perform such duties as may be required of him by this act and by the resolutions or ordinances of the council; and he shall be subject to removal by a vote of at least six members of the council for incompetence, misconduct or negligence of duty after reasonable notice. The town sergeant shall be ex-officio chief of police of the town, and as chief of police shall see that all of the laws and ordinances of the town and general laws of the State are faithfully executed and carried out by the police force and shall be at all times subject to such rules and regulations as may be passed by the council governing the police force and the management thereof.

Sec. 5. The council shall have the power to appoint such police officers as to it may seem proper, and shall prescribe the compensation for policemen; provided, that the salary of each shall not exceed one hundred dollars per month. Costs shall be charged against persons arrested or summoned by such policemen for violation of State statutes and town ordinances, as in cases of arrest or summons by a sheriff, constable or town sergeant, and such costs shall be collected by the mayor and paid into the town treasury.

The council shall also elect one of its number as vice-president of the council, who shall during the absence of the mayor, or his inability to act, have the same powers and duties as the mayor.

#### ARTICLE No. 8.

Section 1. The circuit court of Elizabeth City county shall in no case grant a license or permit to any person, firm or corporation for the sale of soft drinks or any mixtures thereof, under any kind of license, within the corporate limits of the town of Phoebus, Virginia, except and until such person, firm or corporation shall present to such court a certificate from the council of said town, certifying that such person, firm or corporation is a suitable person, firm or corporation, and that the place where such business is proposed to be conducted is suitable, convenient and appropriate, and shall also present to such court a town license granted by the proper municipal authorities of said fown.

2. Inasmuch as the necessities of the town require prompt action, it is hereby declared that an emergency exists and this act shall be in force from its passage.

CHAP. 76.—An ACT to amend and re-enact section 6245 of the Code of 1919, providing when and how docket of chancery cases; how cases called and disposed of.

[S B 171]

Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That section sixty-two hundred and forty-five of the Code of Virginia of nineteen hundred and nineteen, be amended and re-enacted so as to read as follows:

Sec. 6245. Before every term of a circuit or corporation court, and of the chancery court of the city of Richmond, the clerk of each of said courts shall make out a separate docket of chancery causes in which there are motions, and of other chancery causes which have been set for hearing as to any party, or which the court is to hear upon a plea of demurrer; and the clerk of the circuit court of the city of Richmond, the clerk of the court of law and chancery of the city of Norfolk, the clerk of the court of law and chancery of the city of Roanoke, the clerk of the chancery court of the city of Richmond, the clerk of the law and equity court of the city of Richmond, the clerk of the circuit court of Henrico county, the clerk of the circuit court of the city of Norfolk, and the clerk of the circuit court of the city of Newport, News, shall also put upon their respective chancery dockets, as soon as matured at rules, and in the order in which they are matured, all chancery causes and motions matured during the respective terms of said courts.

· Every cause on the docket shall be called and disposed of during the term.

An emergency existing, this act shall be in force from its passage.

### Approved February 25, 1922.

- 1. Be it enacted by the general assembly of Virginia, That an act entitled an act to constitute one quarantine district of the Elizabeth river and its branches, and to create a board of quarantine commissioners and a quarantine medical officer for said district, approved February twenty-sixth, eighteen hundred and seventy-seven, and all acts amendatory thereof be, and they are hereby, repealed.
- 2. An emergency existing, this act shall be in force from its passage.

CHAP. 77.—An ACT to repeal an act entitled an act to constitute one quarantine district of the Elizabeth river and its branches, and to create a board of quarantine commissioners and a quarantine medical officer for said district, approved February 26, 1877, and all acts amendatory thereof. [S B 98]

Chap. 78.—An ACT to repeal sections 3668, 3670, 3671, 3672, 3675, 3676, 3677 of the Code of Virginia of 1919, and sections 3665, 3666, 3667, 3673, 3674 of the Code of Virginia of 1919, as amended and re-enacted by an act entitled an act to amend and re-enact sections 3665, 3666, 3667, 3673, 3674 of the Code of Virginia of 1919, approved March 20, 1920.

[S B 99]

## Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That sections thirty-six hundred and sixty-eight, thirty-six hundred and seventy, thirty-six hundred and seventy-one, thirty-six hundred and seventy-two, thirty-six hundred and seventy-five, thirty-six hundred and seventy-six, thirty-six hundred and seventy-seven of the Code of Virginia of nineteen hundred and nineteen, and sections thirty-six hundred and sixty-five, thirty-six hundred and sixty-six, thirty-six hundred and sixty-seven, thirty-six hundred and seventy-three, thirtysix hundred and seventy-four of the Code of Virginia of nineteen hundred and nineteen, as amended and re-enacted by an act entitled an act to amend and re-enact sections thirty-six hundred and sixtyfive, thirty-six hundred and sixty-six, thirty-six hundred and sixtyseven, thirty-six hundred and seventy-three, thirty-six hundred and seventy-four of the Code of Virginia of nineteen hundred and nineteen, approved March twentieth, nineteen hundred and twenty, be and the same are hereby repealed.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 79.—An ACT to establish an additional corporation court for the city of Norfolk, Virginia. [S B 127]

#### Approved February 25, 1922.

Whereas, the city of Norfolk, Virginia, now contains more than thirty thousand inhabitants, and the public interest requires that there should be established for the said city an additional court of record, and that there should be an additional judge elected to hold such court and perform such other duties as should be prescribed by law; now, therefore,

1. Be it enacted by the general assembly of Virginia, That from and after the first day of April, nineteen hundred and twenty-two, there shall be in the said city of Norfolk, Virginia, an additional corporation court, to be a court of record, and to be separate and apart from the corporation court now existing in the said city of Norfolk, and to be called and known as the "corporation court of the city of Norfolk, number two," and that there shall be an additional judge with like qualifications and to be elected in the same manner as the judges of the corporation courts of the State, to hold the said court and perform such other duties as shall be prescribed by law.

2. The term of office of the judge of said court to be elected by the general assembly hereunder shall commence on the first day of

February, nineteen hundred and twenty-three, and shall end on the thirty-first day of January, nineteen hundred and thirty-one, and each term thereafter shall be for eight years. A vacancy in said judge-ship for the period between the first day of April, nineteen hundred and twenty-two, and the first day of February, nineteen hundred and twenty-three, is hereby declared to exist, which vacancy shall be filled by appointment by the governor after the adjournment of the general assembly and prior to the first day of April, nineteen hundred and twenty-two.

3. The said court and the judge thereof shall have concurrently with the corporation court of the city of Norfolk, and the judge thereof, the same powers, duties and jurisdiction as the said corporation court of the city of Norfolk, and the judge thereof, now have

and which may hereafter be conferred by law.

4. There shall be held monthly terms of said court, except that the judge thereof may omit the term to be held in the month of July or August. The terms of said court shall begin on the first Monday in each month, unless otherwise changed as prescribed by law, and shall continue so long as the business of the court may require.

5. The rules for said court shall be the same as are now or may hereafter be prescribed for the corporation courts of the State.

6. All provisions of law now in force or hereafter to be enacted relating to regular and special grand juries, jury commissioners and petit juries, applicable to the corporation courts of the State and to the judges thereof shall apply to said court and the judge thereof.

7. The clerk of the corporation court of the city of Norfolk shall also be the clerk of said court. He shall qualify as now prescribed by law and give bond for the faithful performance of his duties in both courts, and if he qualify before a judge in vacation, the bond shall be certified to the corporation court of the city of Norfolk and to said court, to be recorded in both courts.

8. The sergeant of the city of Norfolk shall be the officer to attend on the said court and to execute its process and orders.

9. The attorney for the Commonwealth for the city of Norfolk

shall be the attorney for the Commonwealth for said court.

10. All provisions of law now in force and hereafter to be enacted with reference to the judges of circuit courts, or city, or corporation courts of record holding other corporation courts shall be applicable to said court and the judge thereof, both with respect to other judges holding said court and the said judge holding other courts.

11. All provisions of law now in force and hereafter to be enacted relating to corporation courts of this State and to judges and other officers thereof shall apply to said court and to the judge and other officers thereof as if the said court and the judge and other officers thereof were specially named therein, whenever necessary and proper to enable the said court to exercise the powers, duties and jurisdiction conferred or when relating to matters weherof the said court is given jurisdiction.

12. Any duty devolved or power or jurisdiction conferred, or which may hereafter be devolved or conferred by law on corporation courts of this State, or the judge thereof, shall, unless otherwise provided, be deemed to be also devolved and conferred on said court, and the judge thereof, when relating to matters whereof the said court is given jurisdiction.

13. Appeals, writs of error and supersedeas from and to judgments and order of the said court, or the judge thereof, shall be taken and allowed as from and to judgments and orders of the corporation

courts of the State, or the judges thereof.

14. The salary of the judge of said court shall be three thousand dollars and shall be payable in the same manner as now prescribed by law for the judges of the circuit courts of the Commonwealth.

15. An emergency existing by reason of the necessity for the establishment of said court, this act shall take effect from the date of its passage.

CHAP. 80.—An ACT prescribing the jurisdiction of corporation courts in cities in which there are two corporation courts and providing for the transfer of certain cases from one court to the other.

[S B 129]

#### Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That in all cities of this State in which there has been or shall be established two corporation courts, the corporation court last established in such cities and the judge thereof shall have concurrently with the corporation court first established in such cities and the judge thereof the same powers, duties and jurisdiction as the corporation court first established in such cities and the judge thereof now have and which may hereafter be conferred by law, except in the following matters, which shall remain as heretofore in the corporation court first established in such cities or with the judge thereof:

All matters concerning the probate and recording of wills; the appointment, qualification and removal of fiduciaries and the settlement of their accounts; the docketing of judgments; the recording in the mode prescribed by law of deeds and all other papers authorized or required by law to be recorded; the appointment and removal of members of the electoral board; all questions, powers and duties pertaining to the appointment and removal of justices of the peace; and all questions, powers and duties pertaining to the appointment

and removal of all other officers and officials.

2. Either of said corporation courts in such cities, on motion of the attorney for the Commonwealth for such cities, or the attorney for the accused, may, for good cause shown, or to equalize the work of the two courts, transfer from one court to the other any case or cases pending in either court in which the Commonwealth is a party; and said courts may do likewise on motion of the city attorney for such cities, with respect to cases pending in either of said courts for



violation of ordinances of such cities. An order shall be entered of record of said transfers by both the court from which and to which transferred, and when transferred, said cases shall stand in all respects as they stood in the court from which they were transferred, and like proceedings shall be had and process issued as if said cases had been originally commenced in said court to which transferred.

3. Nothing herein contained shall be construed to change or affect in any manner the respective jurisdictions of the corporation or hustings court, where two corporation or hustings courts now exist, in cities containing more than one hundred and fifty thousand

inhabitants, as shown by the last United States census.

4. An emergency existing, this act shall be in force from the date of its passage.

CHAP. 81.—An ACT to amend and re-enact sections 1039 and 1075 and 1077 of title 12, chapter 46, of the Code of Virginia, 1919, relative to the insane, epileptics, feeble-minded, and inebriates. [S B 73]

### Approved February 25, 1922.

Sec. 1. Be it enacted by the general assembly of Virginia, That sections ten hundred and thirty-nine, ten hundred and seventy-five and ten hundred and seventy-seven, of title twelve, chapter forty-six of the Code of Virginia, nineteen hundred and nineteen, be amended and re-enacted to read as follows:

Section 1039. Idiots and feeble-minded to be returned.—If an idiot, or feeble-minded person, not insane, be sent to or received in any hospital for the insane, the superintendent thereof shall notify his committee or legal representative, who shall promptly remove from the said institution and may have him committed to the appropriate colony for the feeble-minded. The cost of transportation of each idiot or feeble-minded person to, and removal from, the hospital shall be paid by the county or city in which he was committed.

Sec. 1075. Feeble-minded person and idiot defined.—The words "feeble-minded person" in this chapter shall be construed to mean any person with mental defectiveness from birth or from an early age so pronounced that he is incapable of caring for himself or managing his affairs, or of being taught to do so, and is unsafe and dangerous to himself and others, and to the community, and who consequently requires care, supervision and control for the protection and welfare of himself, others and the community, but who is not classible as an "insane person" as usually interpreted. An idiot is defined to be a person who from birth or by reason of failure of early development has not attained the maximum mental age of three years according to the Binet or other approved mental tests, and who is incapable of making known his natural wants, to feed himself, and practically deficient in the mentality of a normal child of three years of age.

Sec. 1077. Who to be received in the State colonies for epileptics and feeble-minded; employment, training of patients, education, et cetera. The superintendent of the State colony for epileptics and the feeble-minded, shall receive and care for such feeble-minded white persons who are legal residents of Virginia as under the laws of the State may be committed to the said colony provided that in committing persons to the said colony and in receiving them therein, those indigent white persons who would be most likely to receive benefit from colony care and training, women of child-bearing age, from twelve to forty-five years of age, and children not under eight years of age, to whom such training would be of most benefit, shall, as far as practicable, be first received and admitted. And in order to promote the object for which the said colony is established, for the protection of society and feeble-minded persons themselves, and that those who are capable of being trained so as to support themselves may eventually leave the institution and enjoy the life and liberty of the outer world, the superintendent thereof and the said special board of directors, shall, as far as practicable, provide suitable employment for such patients and such training, both educational and industrial, as may be adapted to their capacities, and shall see that such moral, medical and surgical treatment as they may deem proper shall be given such patients in order to promote the objects for which the institution is provided. The special board of directors and superintendent, shall, as far as practicable, provide necessary school and industrial buildings and employ such teachers as may be necessary for these purposes. Until separate buildings for the feeble-minded are provided, the superintendent may receive and care for white epileptic males, such feeble-minded male patients as may for urgent and distressing reasons require custodial care and treatment. It shall be unlawful for any colony to receive and care for with feeble-minded patients any idiot as defined in section ten hundred and seventy-five. However, on provision by the State of building or buildings at any colony for the reception and care of idiots, they, when duly committed according to the provisions of law as to the commitments of the feeble-minded, shall be received and segregated therein apart from the feeble-minded population of any such colony or colonies. It is further provided that it shall be lawful to transfer from the department for epileptics and feeble-minded in any colony or colonies patients, whether epileptic or feeble-minded who from mental deterioration may have reached the practical state of idiocy, to be cared for in such building or buildings. The children of school age within the population of said colony shall be enumerated in the school census of the district and county in which the colony is located, as a part of the school population of the Commonwealth, and annually the colony shall be entitled to receive from the State board of education an appropriation for the support of the said school, based on its population such as is made to the Virginia Industrial School at Bon Air, the Reformatory at Laurel and like institutions.

2. All acts and parts of acts in conflict herewith are hereby repealed.

3. An emergency existing, this act shall be in force from its passage.

CHAP. 82.—An ACT to amend and re-enact an act entitled an act to provide for the enumeration of the veterans of the Confederate army and navy, approved March 20, 1920.

[S B 63]

#### Approved February 25, 1922.

Be it enacted by the general assembly of Virginia, That an act entitled an act to provide for the enumeration of the veterans of the Confederate army and navy, approved March twentieth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 1. In the years nineteen hundred and twenty-two and nineteen hundred and twenty-three it shall be the duty of the commissioner (or commissioners) of the revenue of each county and city, at the time of taking lists of property for taxation, to enumerate the living veterans of the Confederate army and navy in his county or city (or in those counties having more than one commissioner of the revenue, of their respective districts) obtaining in each case the name, age, postoffice address, the organization of organizations with which each veteran served, the period of his service, and his rank in each organization of which a member. These statistics shall be forwarded by the commissioners of the revenue collecting them to the State librarian, on or before October first of each year.

CHAP. 83.—An ACT to validate the issuance and sale of eighty-five thousand dollars street and school improvement bonds of the town of Franklin, and to provide for the payment thereof. [S B 264]

#### Approved February 25, 1922.

Be it enacted by the general assembly of Virginia as follows:

- 1. That an issue of eighty-five thousand dollars street and school improvement bonds of the town of Franklin in the county of South-ampton, authorized to be issued by the vote of a majority of the qualified voters of said town voting at an election held therein on the twelfth day of April, nineteen hundred and twenty-one, payable thirty years after the date thereof, and bearing interest at the rate of six per centum per annum, payable semi-annually, and all proceedings heretofore taken for the issuance and sale of said bonds, including all sales heretofore made are hereby validated, approved and confirmed.
- 2. While said bonds or any of them remain oustanding and unpaid, there shall annually be levied by the council of said town of Franklin upon all of the taxable property of said town, in the manner prescribed by general law, a tax sufficient to pay the semi-annual interest on said bonds, and to provide a sinking fund sufficient to pay the principal thereof at maturity, and all moneys so raised, and all moneys received as the purchase price of said bonds or any of them, shall be deposited in a depository or depositories to be designated or



appointed by the said council, which may require such security as it deems necessary, and disbursed or invested in the manner provided by law.

An emergency existing this act shall be in force from its 3.

passage.

CHAP. 84.—An ACT to validate the issuance and sale of one hundred and sixteen thousand dollars water and light bonds of the town of Franklin, and to provide for payment thereof. [S B 265]

### Approved February 25, 1922.

Whereas, on the twelfth day of April, nineteen hundred and twentyone, the qualified voters of the town of Franklin in the county of Southampton, voting at an election authorized the issuance of one hundred and sixteen thousand dollars water and light bonds of the town of Franklin, maturing thirty years from their date and bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, for the purpose of completing the water and sewerage system, including filtering plant, and completing the electric light plant, all of which plants are, or will be, revenue producing properties; both principal and interest of said bonds being payable exclusively from the receipts of said water and sewerage system, including the filtering plant and the electric light plant, and

Whereas, said bonds have been sold at not less than the par value thereof, together with accrued interest to date of delivery; therefore,

1. Be it enacted by the General Assembly of Virginia, That said one hundred and sixteen thousand dollars water and light bonds of the town of Franklin in the county of Southampton, and all proceedings heretofore taken for the issuance and sale of said bonds are hereby ratified, approved and confirmed, and said bonds, when delivered to the purchaser, will constitute valid and legally binding obligations of the town of Franklin, payable exclusively from the receipts of said water and sewerage system, including the filtering

plant, and the electric light plant of the town of Franklin.

2. The council of the town of Franklin shall annually set aside out of the gross revenues of the water and sewerage system of the town, including the filtering plant, and out of the gross revenue of the electric light plant, sufficient sums annually to provide for the payment of the semi-annual interest on such bonds, and to provide a sinking fund sufficient to pay the principal thereof at maturity, and all moneys so set aside, as well as all funds received as the purchase price of such bonds shall be deposited in a depository or depositories to be designated or appointed by the said council, which may require such security as it deems necessary, and disbursed or invested in the manner provided by law.

An emergency existing this act shall be in force from its

passage.



CHAP. 85.—An ACT to amend and re-enact section 32 of an act entitled an act to provide a charter for the town of Lexington, approved April 28, 1874.

[S B 262]

### Approved February 25, 1922.

- 1. Be it enacted by the general assembly of Virginia, That section thirty-two (32) of an act entitled an act to provide a charter for the town of Lexington, approved April twenty-eight, eighteen hundred and seventy-four, be amended and re-enacted so as to read as follows:
- 32. The levy so made, may be laid on all male and female persons who are residents of said town, and over twenty-one years of age, and all personal and real estate within said town, except such persons, personal and real estate, as are exempt from taxation under the law of the State; and, also upon all other subjects within said town, as may at the time be assessed with State taxes, the taxation of which by cities and towns is not forbidden by general law.
- 2. An emergency existing, this act shall be in force from its passage.

CHAP. 86.—An ACT to amend and re-enact section 11 of an act approved January 30, 1888, entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Boston, in the county of Halifax, as amended by an act approved March 11, 1912, entitled an act to amend and re-enact section 11 of an act approved January 30, 1888, entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Boston in the county of Halifax.

[S B 242]

### Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That section eleven of an act approved January thirtieth, eighteen hundred and eighty-eight, entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Boston, in the county of Halifax, as amended by an act approved March eleventh, nineteen hundred and twelve, entitled an act to amend and re-enact section eleven of an act approved January thirtieth, eighteen hundred and eighty-eight, entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Boston, in the county of Halifax, be amended and re-enacted so as to read as follows:

Section 11. Where by the provisions of this act the council have authority to pass ordinances on any subject, they may prescribe punishment by fine or imprisonment, or both, for all violations thereof, and may require of persons convicted of violations of such ordinances bonds, conditioned that they will not violate such ordinances under which they have been convicted; provided that any person so convicted shall have the right to appeal to the circuit court of Halifax county, in any case in which the judgment against him shall be imprisonment, or the fine exceed ten dollars. Whenever judgment is rendered against any person for a fine, the officer trying the offender may require immediate payment thereof; and, in default of such payment, may commit the party, so in default, to the town jail or

prison house, or to the jail of Halifax county, until the fine and costs be paid, or may compel him to work out such fine on the public streets or other improvements. All fines for violations of the ordinances of said town shall be paid into the treasury, and be appropriated as the council may determine. In case of any prosecution by the town of South Boston for violation of any ordinance of the town, the mayor may, if he deem it necessary, have the attorney for the town appear at the trial and prosecute the charge in behalf of the town, and if the accused person be found guilty there shall be fixed and taxed by the mayor, as a part of the costs, a fee for the said attorney not to exceed, in any case, the sum of ten (\$10) dollars, which fee shall be collected along with the costs as a part thereof.

2. It being necessary that the town charter conform to certain State laws, an emergency is declared to exist and this act should be enforced from its passage.

Chap. 87.—An ACT to authorize the city of Newport News to borrow \$150,000.00 and issue bonds therefor, for the purpose of refunding the outstanding short-term military highway notes.

[S B 194]

### Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That in addition to any other indebtedness of the city of Newport News and the certificates of debt or bonds which the said city has, from time to time issued, the council of said city may, by a four-fifths vote thereof, in the name of and for the use of said city, cause to be issued bonds or certificates of indebtedness (the form of which shall be prescribed by the council) to the amount of one hundred and fifty thousand dollars, bearing interest at a rate not to exceed six per centum per annum, and payable in the discretion of the council in not more than thirty years, which said bonds may be either sinking fund or serial bonds, as the council may determine. One hundred thousand dollars of the amount received from the sale thereof shall be used for the purpose of paying off and redeeming a like amount of short-term notes heretofore issued by the city, dated March first, nineteen hundred and seventeen, known as military highway notes, and the balance is to be used to reimburse the general fund of the city for the military highway notes heretofore paid therefrom.

2. In that the said notes, dated March first, nineteen hundred and seventeen, will shortly mature, an amergency is declared, and this

act shall be in force from its passage.

加加

CHAP. 88.—An ACT to authorize the city manager of the city of Newport News to appoint some physician to attend prisoners confined in the city jail or at the city prison farm for violations of city ordinances or non-payment of city fines, and to fix the compensation for such services. [S B 193]

#### Approved February 25, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the city manager of the city of Newport News be, and he is, hereby authorized and empowered to appoint, designate or employ some duly qualified physician of said city to attend such prisoners as are confined in the city jail or at the city prison farm for violation of city ordinances or non-payment of city fines, and to fix such compensation for the services so rendered as in the opinion of the said city manager is fair and reasonable.
- 2. That the city manager of said city may, from time to time, change such designation, appointment or employment, or amount of compensation to be paid for the services so rendered.

3. That the physician so appointed, designated or employed shall be in lieu of and shall supersede any physician now otherwise ap-

pointed to perform such services.

- 4. All acts or parts of acts in conflict herewith are hereby repealed.
- CHAP. 89.—An ACT to authorize the city of Newport News to borrow a sum not exceeding \$100,000.00 to be used in payment of municipal equipment. and to evidence the same by short-term notes. [S B 191]

## Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That in addition to any other indebtedness of the city of Newport News, and the certificates of debt or bonds which the council of said city has from time to time issued, the council of said city, by a four-fifths vote thereof, may, in the name and for the use of said city, cause to be issued notes, bonds or certificates of indebtedness (the form of which shall be prescribed by the council) to the amount of one hundred thousand dollars, bearing interest at a rate not exceeding six per centum per annum, payable in the discretion of the council in not more than ten years, to be issued in series or otherwise, as the council may direct. The amount received from the sale thereof shall be used and applied by the city in payment of equipment heretofore or hereafter purchased for use by said city.

Chap. 90.—An ACT to change the method of appointment of coroner for the city of Newport News, and to provide for his election by the council of said city, and to fix his term of office and compensation.

[S B 192]

## Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That hereafter the coroner for the city of Newport News shall be elected by the council of said city.

- 2. That the council of said city shall immediately after this act takes effect elect some suitable and competent physician of said city to said office for a term to end December thirty-first, nineteen hundred and twenty-four, and thereafter at the same time and in the same manner as other city officers are elected by the council, elect some suitable and competent physician of said city to fill the position of coroner for and during the term of four years, the first of which said terms shall begin on January first, nineteen hundred and twenty-five.
- 3. That the duties of the coroner shall be those as now prescribed by general law for coroners, and such other duties as may be imposed from time to time by the council, and he may or may not, in the discretion of the council, hold some office or employment under the city government, the duties of which are not in conflict herewith.

4. That the salary of the coroner shall be such amount as is fixed by the council, and he shall receive no fees or other emoluments for the performance of the duties of his office as such coroner, except the

salary so fixed.

- 5. That the fees now allowed him by law shall go into the city treasury, and he shall notify the city auditor at least once a month of cases which he investigates or over which he holds an inquest or autopsy, together with the amount of fees which he would be entitled to under the general law to receive therefor, and whether same be chargeable against the estate of the deceased or otherwise, and the city auditor shall thereupon notify the city treasurer, who shall proceed to collect the same and turn the same into the city treasury.
- 6. All acts or parts of acts in conflict herewith are hereby repealed.

CHAP. 91.—An ACT to amend and re-enact an act approved January 16, 1912, entitled an act to amend and re-enact section 21 of the charter of the town of Lexington, approved April 28, 1874, to validate and confirm all bonds heretofore issued by the town and to authorize the mayor and the council of the town to issue bonds to the amount of seventy-five thousand dollars for the purpose of supplying the town with water.

[S B 174]

# Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That the act approved January sixteenth, nineteen hundred and twelve, entitled an act to amend and re-enact section twenty-one (21) of the charter of the town of Lexington, approved April twenty-eighth, eighteen hundred and seventy-four, to validate and confirm all bonds heretofore issued by the town and to authorize the mayor and the council of the town to issue bonds to the amount of seventy-five thousand dollars for the purpose of supplying the town with water, be amended and re-enacted so as to read as follows:

Section 21. The mayor and council of the said town may, in the name of and for the use of the town, contract loans or cause to be

issued certificates of debt or bonds, either registered or coupon, for the purpose of opening and improving the streets; for lighting the same; for buying real estate necessary for cemeteries and other purposes; for erecting public buildings and school houses, and for supplying the town with water; but such loans, certificates of debt or bonds shall not be irredeemable for a longer period than thirty-four years. No such loan shall be contracted, or certificates of debt or bonds issued, unless authorized by a vote of two-thirds of the town council taken by yeas and nays, and recorded in the journal or minute book of the council; provided that no loan shall be contracted, or certificates of debt or bonds of the town issued, if the amount thereof for any one purpose shall exceed the sum of fifteen thousand dollars, until and unless the same shall be sanctioned by a majority of the legal voters of the town voting on the question, at an election held in the said town at such time and place as may be fixed by a resolution or ordinance passed by the mayor and council of the town by a vote of two-thirds of the members of the council taken by yeas and nays and recorded in the journal or minute book of the council. resolution or ordinance of the mayor and council fixing the time and place for holding such election, and directing the same to be held, shall state the purpose for which such bonds are to be issued; the maximum amount thereof; the maximum rate of interest to be paid thereon, and the time in which the principal is to be paid. Notice of the holding of such election shall be given by publication of the resolution or ordinance directing the same to be held, and fixing the time and place for holding the same, for two successive weeks prior to the time fixed for holding such election, in a newspaper published and circulated in the said town, or by posting printed copies thereof at ten or more public places in said town. Such election shall be held and conducted by the election officers legally appointed for the purpose of holding and conducting regular elections in the said town, and in the manner provided by law for conducting and making returns of election for mayor and members of the town council; provided, however, that the bonds or other interest-bearing obligations of the town, issued for any purpose, shall not exceed at any time eighteen per centum of the assessed valuation of the real estate in the said town subject to taxation, as shown by the last preceding assessment for taxes; but in determining the limitation of the said town to incur indebtedness, there shall not be included the classes of indebtedness excepted by subsections (a) and (b) of section one hundred and twenty-seven of the Constitution; and when such debt is contracted or incurred the mayor and council shall provide for the prompt payment of the interest thereon, and shall also provide a sinking fund for the redemption of the principal at its maturity. And be it further enacted, that all bonds heretofore issued by the said town are hereby validated and confirmed; and the mayor and council of the said town are hereby authorized, without further sanction by the qualified voters of the said town than that given at the election held therein on the thirty-first day of January, nineteen hundred and eleven, which election is hereby declared to be legal and valid, to issue and sell bonds of the said town, not exceeding seventy-five thousand dollars in amount, for the purpose of enlarging and extending the waterworks of the town so as to provide an adequate supply of water for the use of the people of the said town; provided that the principal of the said bonds shall not run for a longer period than thirty-four years from the date of their issue, and shall bear interest at a rate not exceeding five per centum per annum; and the amount thereof actually issued and sold, when added to the existing indebtedness of the town, shall not exceed the limitation fixed and prescribed by section one hundred and twenty-seven of the Constitution.

2. An emergency existing, this act shall be in force from its passage.

CHAP. 92.—An ACT to amend and re-enact an act entitled an act to amend and re-enact an act approved February 20, 1896, entitled an act to provide for the working and keeping in repair the public roads of Buchanan and Dickenson counties, as amended by an act approved February 9, 1916, so as to provide how the board of supervisors of Buchanan county may establish, change and relocate roads in that county and contract for the construction of same on terms and conditions, which was approved March 16, 1918, by adding additional sections to said act authorizing the board of supervisors of Dickenson county to issue bonds or other obligations of said county on behalf of said county or on behalf of any one or more of the magisterial districts thereof, either or both, for a sum not exceeding in the aggregate four hundred thousand dollars, for the purpose of financing the construction of sections of the secondary line of route numbered eleven of the State highway system in the county of Dickenson, and to levy taxes to pay the interest thereon and to create a sinking fund for the payment of the principal of such bonds at maturity.

[S B 70]

#### Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to amend and re-enact an act approved February twentieth, eighteen hundred and ninety-six, entitled an act to provide for working and keeping in repair the public roads of Buchanan and Dickenson counties as amended by an act approved February ninth, nineteen hundred and sixteen, so as to provide how the board of supervisors of Buchanan county may establish, change and relocate roads in that county and contract for the construction of same, on terms and conditions, which was approved March sixteenth, nineteen hundred and eighteen, be amended and re-enacted by adding the following additional sections thereto, namely:

Sec. 7. That the board of supervisors of Dickenson county be, and it is hereby authorized and empowered, in its discretion, to proceed immediately or from time to time, as it may deem expedient, to issue bonds or other obligations of Dickenson county, for and on behalf of said county or on behalf of any one or more of the magisterial districts of said county, either or both not exceeding in the aggregate the sum of four hundred thousand dollars, for the purpose

of providing funds to finance the construction of sections of the secondary line of route number eleven of the State highway system, in said county of Dickenson, in accordance with the provisions of chapter one hundred and eighty-four of acts of the general assembly of Virginia, approved March fifteenth, nineteen hundred and twenty, entitled an act to anticipate by counties, or otherwise, the construction of the State highway system; such bonds or other obligations to be payable or redeemable at such time or times, not exceeding thirty years, from the date of issue, and to bear interest payable at such time or times and at such rate, not exceeding six per centum per annum, as the board of supervisors may fix and to be in such denominations, and either coupon or registered, as the said board of supervisors may determine. In event said bonds or other obligations are issued for any one or more of the magisterial districts of said county, there shall be printed in the face of said bonds the following: bonds or obligations are issued for the purpose of financing road construction in \_\_\_\_\_ magisterial district of Dickenson county, but the full faith and credit of Dickenson county is pledged for the payment of the interest thereon and the principal thereof at maturity." The sale of such bonds or other obligations may be conducted and effected in such manner as the said board of supervisors may determine, provided such bonds or other obligations shall not be sold at less than their par value.

Sec. 8. The said board of supervisors of Dickenson county shall annually levy a tax upon all the property within the said county or within the magisterial district or districts for which said bonds are issued, either or both, subject to taxation for such purpose, including such property located, or the situs whereof for taxation may be within the limits of all the incorporated towns of said county and said magisterial district or districts for which said bonds may be issued, at such rate as will be sufficient to pay the interest on said bonds, or other obligations, and to create a sinking fund for the payment of the principal thereof at maturity.

2. By reason of the fact that the public interest requires that said road work be commenced as soon as possible, an emergency is hereby declared to exist, and this act shall be in force from its passage.

CHAP. 93.—An ACT for the establishment of State game sanctuaries in this State.

[S B 41]

Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That any landowner or landowners may enter into an agreement with the commissioner of the department of game and inland fisheries to permit his or their lands to be used as State game sanctuaries for a period of not less than three years, and that on any land so assigned, it shall be unlawful for any person to kill or capture or disturb any wild animal or to kill or capture or disturb any wild birds, its eggs,

nests, or young, without obtaining a permit from the commissioner of game and inland fisheries to do so, and the said commissioner is authorized only to give permits to kill predatory animals and birds on such sanctuaries.

All lands tendered the State as aforesaid shall be conspicuously posted as State game sanctuaries, and any person by trespassing or hunting on same shall be deemed to have committed a misdemeanor, and when convicted shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or committed to jail for not more than thirty days, or both, in the discretion of the justice or jury trying the case.

Chap. 94.—An ACT to empower the State highway commission to use without the institution of condemnation proceedings lands for camp sites, storage yards or detours.

[S B 53]

Approved February 25, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the State highway commission is empowered to use without the institution of condemnation proceedings such lands as may be required in connection with the construction, reconstruction or repair of the State highway system, for camp sites, storage yards or detours; providing that no orchard, yard, graveyard or garden shall be used for such detour, camp sites or storage yards excepting with the written consent of the owner. Provided, however, that not in excess of two acres of land may be thus taken for any one camp site or any one storage yard and not more than a thirty-foot strip of land may be taken for use as a detour; provided, further, that no land thus taken shall be held continuously for more than one year and no camp may be placed within five hundred yards of the residence of the owner or tenant occupying said land without the consent of said owner or tenant.
- 2. If the owner or tenant of any such land shall deem himself injured thereby and the commission or its agents can agree with such owner or tenant as to the amount of damages caused by said taking, they shall pay said damage to the owner or tenant, as the case may be, but if an agreement cannot be reached, then a justice of the peace in the county wherein the land is situated shall, upon application to him by said owner or tenant, issue a warrant to three freeholders of said county requiring them to review the said land and ascertain and report what is a just compensation to such owner or tenant for the damage done to him by such taking, the said freeholders, after being sworn, shall ascertain such compensation and report the same to the State highway commission or its duly authorized agent. The commission may thereupon allow the full amount so agreed upon or reported by said freeholders, or so much thereof as to the commission may seem reasonable, subject to the right of such owner or tenant



to appeal to the circuit court of the county wherein the land lies, as in other cases.

3. An emergency existing, this act shall be in force from its passage and becoming a law.

CHAP. 95.—An ACT to amend and re-enact an act approved March 10, 1920, entitled an act to authorize and empower the board of supervisors of the county of Dickenson, Virginia, to lay a special county levy to raise money for the purpose of providing for the construction of a county memorial, industrial and high school building, to be built in the town of Clintwood, in Dickenson county, Virginia, and providing for the securing of land upon which to erect said building, and to erect and equip said building, and to authorize and empower the said board of supervisors of said county to lay a special district levy in the Clintwood district in said county to raise money for the purpose of supplementing said special county levy, and also to authorize and empower the town council of the said town of Clintwood, to lay a special town levy in said town to raise money for the purpose of also supplementing said special county levy. The said school building to be known as "Dickenson County Memorial, Industrial and High School Building," and the said school building shall stand as a monument and memorial to the soldiers, sailors and marines from the said county of Dickenson in the late world's war, who lost their lives in this war.

[S B 5]

#### Approved February 25, 1922.

Be it enacted by the general assembly of Virginia, That an act approved March tenth, nineteen hundred and twenty, entitled an act to authorize and empower the board of supervisors of the county of Dickenson, Virginia, to lay a special county levy to raise money for the purpose of providing for the construction of a county memorial, industrial and high school building, to be built in the town of Clintwood, in Dickenson county, Virginia, and providing for the securing of land upon which to erect said building and to erect and equip said building, and to authorize and empower said board of supervisors of said county to lay a special district levy in the Clintwood magisterial district in said county to raise money for the purpose of supplementing said special county levy, and also to authorize and empower the town council of the said town of Clintwood to lay a special town levy in the said town to raise money for the purpose of also supplementing said special county levy. The said school building to be known as the "Dickenson county memorial, industrial and high school building," and the said school building shall stand as a monument of and memorial to the soldiers, sailors and marines from said county of Dickenson in the late world's war, who lost their lives in said war, be amended and re-enacted so as to read as follows:

1. That the board of supervisors of the county of Dickenson, Virginia, be and it is hereby authorized and empowered in its discretion, to lay a special county levy in the said county of Dickenson for the years nineteen hundred and twenty, nineteen hundred and twenty-one, nineteen hundred and twenty-two, nineteen hundred and twenty-three and nineteen hundred and twenty-four, not exceeding in one year

fifty cents on the one hundred dollars' worth of taxable property in said county, the fund received from said special levy to be used by the said board of supervisors of said county for the construction of a county memorial, industrial and high school building, the said building to be built in the town of Clintwood in said county, and the said board of supervisors of the said county is authorized and empowered to procure land in the said town upon which to erect the said building, and the said board is authorized and empowered to erect

and equip said building.

2. The said board of supervisors of said county is also authorized and empowered in its discretion to lay a special district levy in Clintwood magisterial district, in the said county for the said years of nineteen hundred and twenty, nineteen hundred and twenty-one, nineteen hundred and twenty-two, nineteen hundred and twenty-three and nineteen hundred and twenty-four, not exceeding in one year fifty cents on the one hundred dollars' worth of taxable real estate and tangible personal property in said district, the funds received from said special district levy to be used to supplement the said special county levy provided for in section one, above, of this act.

3. The town council of the town of Clintwood, in said county, is authorized and empowered in its discretion to lay a special levy in the said town for the said years in nineteen hundred and twenty, nineteen hundred and twenty-one, nineteen hundred and twenty-two, nineteen hundred and twenty-three and nineteen hundred and twenty-four, not exceeding in one year, fifty cents on the one hundred dollars' worth of taxable property in the said town, the funds received from said special town levy to be used to supplement the said special county levy provided for in section one, above, of this act.

The said school building is to be known as the "Dickenson county memorial, industrial and high school building," and the said school building shall stand as a monument and memorial to the soldiers, sailors and marines from the said county of Dickenson, in the

late world's war, who lost their lives in this war.

5. An emergency existing by reason that the board of supervisors of said county is desirous to laying of said levy for the said year nineteen hundred and twenty-two, this act shall be in force from and after its passage.

# Approved February 25, 1922.

Be it enacted by the general assembly of Virginia, That the town of Richlands, in Tazewell county, Virginia, through its mayor and town council, be and it is hereby authorized and empowered to sell and convey all school property, including all school

CHAP. 96.—An ACT to authorize and empower the town of Richlands, in Tazewell county. Virginia, through its mayor and town council, to sell and convey all school property, situate in said town, belonging to it, to Maiden [S B 4] Spring district school board.

buildings, clubhouse and lots, situate in said town and belonging to it, to Maiden Spring district school board at such price and upon such terms as may seem advisable to the mayor and town council of said town.

2. An emergency existing, this act shall take effect from the date of its passage.

CHAP. 97.—An ACT to amend and re-enact an act approved March 15, 1904, and further amended and approved by an act of February 17, 1920, authorizing the board of supervisors of Patrick and Grayson counties to levy a capitation tax for schools or other county purposes. [S B 125]

### Approved February 25, 1922.

- 1. Be it enacted by the general assembly of Virginia, That an act authorizing the board of supervisors of Patrick and Grayson counties, respectively, to levy a capitation tax for school or other county purposes, approved March fifteenth, nineteen hundred and four, and further amended and approved by an act of February seventeenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:
- 2. Be it enacted by the general assembly of Virginia, That the respective board of supervisors of Patrick and Grayson counties be, the same are hereby, authorized to levy an additional capitation tax, not exceeding one dollar per annum, on every resident of said counties not less than twenty-one years of age, except those pensioned by this State for military services, which shall be applied one-half to the public free schools and the other one-half for building and repairing the roads and bridges of said respective counties.

3. An emergency is declared to exist and this act shall be in force from its passage.

CHAP. 98.—An ACT to validate the issuance of \$200,000 of bonds by the town of South Boston, Virginia, and to authorize the issuance of the same and to provide for the levy of a tax to pay the interest on said bonds and provide for a sinking fund.

[S B 243]

## Approved February 25, 1922.

Whereas, the freeholders of the town of South Boston, Virginia, voting at an election legally called and held on January fourth, nineteen hundred and twenty-two, voted in favor of the issuance by the town of South Boston, of two hundred thousand dollars of bonds for the following purposes:

Ninety thousand dollars of bonds for the purpose of funding the existing indebtedness of the said town of South Boston, now evidenced by notes and certificates of indebtedness issued by said town to contractors for street improvement work done in said town.

Sixty thousand dollars of bonds for the purpose of constructing a high school building in the town of South Boston, for the use of the public schools of the town of South Boston.

Fifty thousand dollars of bonds for the purpose of laying and constructing a water and sewer line to the western part of the town of

South Boston, known as the West End; and,

Whereas, acting in pursuance of the authority of said election, the council of the town of South Boston, on January thirteenth, nineteen hundred and twenty-two, passed an ordinance that the said bonds

should be issued; and,

Whereas, it is the desire of the said town of South Boston that there by removed any question regarding the validity of the said bonds so to be issued, or the right and power of the council of the said town to issue the said bonds; and that the said bonds be declared valid by the general assembly of Virginia; and that there be conferred upon the council of the town of South Boston full power and authority to levy upon the property situate within the said town a tax sufficient to pay the interest on the said bonds and to provide a sufficient sinking fund to pay the said bonds at their maturity; therefore,

1. Be it enacted by the general assembly of Virginia, That the council of the town of South Boston, may issue bonds of the town of South Boston in the aggregate principal sum of two hundred

thousand dollars, for the following purposes:

Ninety thousand dollars of bonds for the purpose of funding the existing indebtedness of the said town of South Boston now evidenced by notes and certificates of indebtedness issued by said town to contractors for street improvement work done in said town.

Sixty thousand dollars of bonds for the purpose of constructing a high school building in the town of South Boston, for the use of the

public schools of the town of South Boston.

Fifty thousand dollars of bonds for the purpose of laying and constructing a water and sewer line to the western part of the town

of South Boston, known as the West End.

Said bonds shall be numbered consecutively from one upward, of the denomination of one thousand dollars each; shall be dated February first, nineteen hundred and twenty-two; shall be payable February first, nineteen hundred and forty-two, and shall bear interest at the rate of not exceeding six per centum per annum, payable semi-annually, on the first day of February and August in each year after date of said bonds, and at the maturity of said bonds. Said bonds shall be coupon bonds with the privilege of conversion into registered bonds. They shall be signed by the mayor of said town and attested by the clerk of said town, and the corporate seal of said town shall be thereto affixed; and the coupons to be attached to said bonds shall be authenticated by the facsimile signatures of said mayor and clerk. Said bonds and coupons shall be substantially in the following form:

No. \_\_\_\_\_

\$1,000.00

# UNITED STATES OF AMERICA COMMONWEALTH OF VIRGINIA TOWN OF SOUTH BOSTON IMPROVEMENT AND FUNDING BOND

Know all men by these presents: That the town of South Boston, a municipal corporation of the Commonwealth of Virginia, for value received, acknowledges itself indebted and promises to pay to the bearer, or, if this bond be converted into registered bond, to the registered holder thereof, the sum of one thousand dollars (\$1,000.00) on the first day of February, nineteen hundred and forty-two, together with interest thereon from the date thereof until the payment of the said principal sum, at the rate of \_\_\_\_\_ per centum per annum, payable semi-annually on the first day of February and August in each year and at the maturity of this bond, upon presentation and surrender of the annexed coupons as they severally become due, or, if this bond be converted into a registered bond, to the registered holder thereof. Both principal and interest of this bond are payable in gold coin of the United States of America of the present standard of weight and fineness, or its equivalent in value, at the National Bank of Commerce, in the city of New York, N. Y.

At the request of the holder this bond will, upon presentation to the treasurer of the town of South Boston, be converted into a registered bond, and the annexed coupons detached and cancelled, and the name of the holder entered hereon and in books kept in the office of said treasurer, and thereafter both principal and interest will be payable only to the registered holder thereof, and this bond will be transferable only upon presentation to said treasurer, with a written assignment duly acknowledged or proved, such transfer to be noted hereon and in said books.

This bond is one of an issue of \_\_\_\_\_\_\_ bonds of like date and tenor, numbered from one to \_\_\_\_\_\_, inclusive, issued pursuant to section twenty-two of an act of the general assembly of Virginia entitled an act to incorporate the town of South Boston, in the county of Halifax, approved January thirtieth, eighteen hundred and eighty-eight, as amended, and pursuant to the affirmative vote of a majority of the freeholders who were registered voters and residents of said town, voting at an election duly called and held on the fourth day of January, nineteen hundred and twenty-two, and by virtue of an ordinance entitled an ordinance authorizing an issuance of two hundred thousand dollars improvement and funding bonds, and providing for the payment of principal and interest on said bonds, duly adopted by the council of said town on the thirteenth day of January, nineteen hundred and twenty-two, and pursuant to an act of the general assembly of Virginia, approved \_\_\_\_\_\_\_

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the Commonwealth of Virginia to exist, to have happened and to be performed

precedent to and in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of said town, is within every debt and other limit prescribed by the Constitution and laws of said Commonwealth, and the faith and credit of said town are hereby pledged irrevocably to the punctual payment of the principal and interest of this bond according to its terms.

In witness whereof, the town of South Boston has caused these presents to be signed by its mayor and attested by its clerk, and its corporate seal to be hereunto affixed and the interest coupons hereto attached to be signed with the facsimile signatures of said mayor and clerk, and this bond to be dated February first, nineteen hundred and twenty-two.

Attest:	Mayor.
Clerk.	
(Seal) (FORM OF COUP	ON)
The town of South Boston, in Virginia	, will pay to the bearer on
the first day of, 19, 19, dollars in gold coin of the of the present standard of weight and fin value, at the National Bank of Commerce, N. Y., being month improvement and funding bond numberdated February first, nineteen hundred an	eness, or its equivalent in in the city of New York, 's interest then due on its
	Mayor.
Clerk.	
(CONVERSION CERTI	FICATE)
I hereby certify that upon presentation a written request by the owner thereof, registered bond, I have this day cut off at coupons attached hereto, numbered from, inclusive, amout (\$) dollars, and that werted into a registered bond, with the propayable to representative.	for its conversion into a nd destroyed to inting in the aggregate to within bond is hereby concincipal and interest hereof
•	Treasurer.
Dated 19	

Date of Registration.	Name of Registered holder.	Registered by
·		Treasurer.
	·	Treasurer.
		Treasurer.

Any bonds reciting that they are issued pursuant to this act, shall in any suit, action, or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions and statutes applicable thereto, and shall be incontestible, anything herein or in other statutes to the contrary notwithstanding, unless such suit, action or proceeding is begun prior to the delivery of such bonds.

2. Until the principal and interest on said bonds shall be fully paid there shall be levied and collected annually by tax on all property in the town of South Boston subject to taxation under the general laws of the State of Virginia a sum sufficient to pay the interest on all of said bonds outstanding as it becomes due and a further sum paid into a sinking fund sufficient to retire said bonds at maturity.

CHAP. 99.—An ACT to amend and re-enact an act entitled an act to authorize the school board of Bellefonte school district, of the county of Nottoway, Virginia, to borrow money for the purpose of erecting a high school building at Blackstone in said district, and to issue bonds therefor not to exceed the sum of forty thousand dollars in amount, approved March 19, 1920, and to increase the amount of bonds authorized by said act to sixty thousand dollars.

[S B 227]

Approved February 25, 1922.

Sec. 1. Be it enacted by the general assembly of Virginia, That an act entitled an act to authorize the school board of Bellefonte school district, of the county of Nottoway, Virginia, to borrow money for the purpose of erecting a high school building at Blackstone in said district, and to issue bonds therefor not to exceed the sum of forty thousand dollars in amount, approved March nineteenth, nineteen hundred and twenty, be and is hereby amended and re-enacted as follows, to-wit:

Sec. 2. The school board of Bellefonte school district, of the county of Nottoway, State of Virginia, be and is hereby authorized and empowered to borrow money not to exceed the sum of sixty thousand dollars, the proceeds of such loan to be used for erecting a

high school building at Balckstone in said district.

Sec. 3. The said school board may issue bonds not to exceed the sum of sixty thousand dollars, to bear interest not to exceed six per centum per annum, payable semi-annually, with interest coupons attached thereto, and the principal thereof to be paid thirty years after date thereof, but the said school board shall have the right to anticipate the payment of any or all of said bonds on any semiannual interest date, after five years from the date of issue. Said bonds may be registered as to principal and be in form as follows:

Know all men by these presents, That the school board of Bellefonte magisterial district, of the county of Nottoway, State of Virginia, is justly indebted to and promises to pay to \_\_\_\_\_ or order, the sum of \_\_\_\_\_ dollars, bearing interest at the rate of \_\_\_\_\_ per centum per annum from date, payable semi-annually, on the \_\_\_\_\_ day of \_\_\_\_\_, and \_\_\_\_\_, of each year, on surrender of the proper interest coupon hereto attached, until said principal sum shall be paid. This bond is non-taxable for county and district purposes, and the said school board shall have the right to anticipate the payment of this bond on any semi-annual interest date after the expiration of five years from the date hereof upon giving thirty days' notice of its intention so to do to the holder hereof.

In testimony whereof, the said school board of said Bellefonte school district, of the county of Nottoway, State of Virginia, has caused the corporate seal of the same to be affixed and these presents to be signed by its chairman, and attested by its clerk, this the \_\_\_\_ \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred

and \_\_\_\_\_

The interest coupons attached to said bonds shall be of appropriate form payable to bearer and shall be signed with the name of said school board by its chairman, attested by its secretary, but the name of said school board and facsmile signatures of its chairman and secretary may be engraved or printed on said coupons with the same effect as if manually signed by said officers, if so authorized to be engraved or printed by said school board.

Sec. 4. The said bonds shall be in denomination of one hundred dollars or multiples thereof, and in making sale of same in accordance with the provisions of this act, such bonds shall in no event be sold upon a basis which will cost the said school district interest at more than six per centum per annum on the amount realized on the sale

thereof.

The bonds authorized by this act shall not be issued unless and until the board of supervisors of Nottoway county has by appropriate action approved and authorized the issue of the same.

The board of supervisors shall annually levy a special tax on all the property in such district subject to taxation at a rate not forbidden by general law for district school purposes sufficient to pay the interest on the bonds issued under authority of this act, and to create a sinking fund of not less than two per centum per annum for the payment of principal at maturity. Such sinking fund shall be used in the retirement of the bonds hereby authorized, or invested in said bonds, or invested in such other securities as the said school board may, with the approval of the division superintendent of schools for said county, select.

The said school board shall annually report to the board of supervisors of the county of Nottoway the amount of the debt evidenced by said bonds outstanding, and the amount and condition of

the sinking fund.

Sec. 6. An emergency existing, this act shall be in force from its passage.

CHAP. 100.—An ACT to authorize the board of supervisors of Nottoway county to levy a sufficient tax in addition to all other levies authorized by law to be laid for general district or county school purposes to pay the interest on and principal of certain bonds, and money borrowed from the literary fund, as the same shall become due.

[S B 106]

#### Approved February 25, 1922.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Nottoway county be, and they are hereby, authorized to levy annually upon the property in any district in said county which has issued bonds for district school purposes under any act of the general assembly, or has borrowed money from the literary fund, a sufficient tax on the property by law subject to taxation for district school purposes, in such school district, in addition to the annual levy authorized by law to be laid for all other district or county school purposes, to pay the interest on, and the principal of, such bonds and indebtedness as the same shall annually accrue and mature. This act shall apply to bonds already issued or to be hereafter issued and money heretofore or hereafter borrowed from the literary fund by any board of school trustees of said county.

CHAP. 101.—An ACT to provide a new charter for the town of Galax, situated in part in the county of Carroll and in part in the county of Grayson, and to repeal all other acts inconsistent with this act. [S B 228]

# Approved February 25, 1922.

Whereas, the general assembly of Virginia by an act approved March seventh, nineteen hundred and six, incorporated the town of Galax, in Carroll and Grayson counties, and whereas it is desirable to provide a new charter for the said town of Galax, in order to conform the same to the general laws of the State concerning towns

of less than five thousand inhabitants and for other purposes; therefore,

- · 1. Be it enacted by the general assembly of Virginia, That the town of Galax in the counties of Carroll and Grayson be and hereby is made a town corporate by the name of Galax, and as such shall have and exercise all the powers conferred upon towns of less than five thousand inhabitants by the general laws of this State concerning towns now in force or that hereafter may be enacted for the government of towns so far as the same are not inconsistent with this act.
- The boundaries of said town shall be as follows: Beginning at a point on the bank of Chestnut creek at the mouth of a branch heading in S. F. Welch orchard and at a point where the Grayson and Carroll county line crosses Chestnut creek, thence south fifty-five, west one hundred and forty-five poles passing north of the residence of Dr. B. S. Dobyns (now owned by M. K. Busic) to a point thirtyfive feet north of the barn of the said B. S. Dobyns (now belonging to M. K. Busic) where a rock is planted as a corner, then south seventeen, east one hundred and ninety-six poles to a point in the Independence and Hillsville turnpike road to a small apple tree and wild cherry bush on the north bank of said road, where a rock is buried as a corner, then south sixty-nine, east one hundred and fortytwo poles to the southwest corner of the Anderson addition to the town of Galax where a rock is buried for a corner, then north eightyfive, east fifty-eight poles with a street of the Anderson addition to the intersection of Main street where a rock is planted for a corner, to the line of the old corporate limits of the town of Galax, then with the same south sixty-five, east seventy-five poles to the forks of the road leading from Old Town and Pipers Gap road to Mrs. Givins, at a point where a rock is buried for a corner, thence leaving old corporate limits south twenty-six, east ninety-eight poles crossing Chestnut creek to a large rock on a high round knoll about one hundred yards southeast of Mrs. Givins residence, then north twentyeight, east one hundred seventy-six poles to the rock spring on the south side of the Poplar Knob road at the ford of a branch opposite the Henry Donithan house, thence north nine and one-half, west seventy-four poles to the northeast corner of the new colored church, thence north forty-eight and one-half, west one hundred and twentyfive poles passing north of George Brown's and Mart Coleman houses to the bend of the Independence and Hillsville pike at the gate north of the late J. B. Caldwell residence, thence down the south bank of said road south forty-one, west twenty-six poles, thence crossing and leaving said road and passing north of the late J. J. Andrews residence south sixty, west seventy-two poles, south eighty-three, west forty-six poles passing north of R. P. Caldwell residence to Chestnut creek, thence down the creek and binding thereon sixty-eight poles to the beginning, being the same boundary fixed by the circuit court of Carroll county in proceedings duly had for the purpose and of record in said county clerk's office.

- 3. The council of the said town shall be composed of the mayor and six councilmen, and the persons elected for mayor and councilmen at the election held in said town on the second Tuesday in June, nineteen hundred and twenty, namely, D. A. Robertson, mayor, and B. D. Beamer, George B. Early, H. M. Todd, Charles P. Waugh, Gordon C. Felts and G. A. Holder, councilmen, shall serve as such for the remainder of the two years for which they were elected.
- 4. The administration and government of the said town shall be vested in one principal officer, to be denominated the mayor, and six councilmen, who shall constitute the town council, all of whom shall be electors of said town.
- 5. The mayor and councilmen shall each be elected for a term of two years and each shall serve until his successor shall have qualified. They shall be elected on the second Tuesday in June immediately preceding the expiration of the terms of their predecessors, and shall enter upon their duties upon the first day of September next succeeding their election.
- 6. The electors of the said town shall be the actual residents thereof who are qualified to vote at the preceding county or State election next before the said town election.
- 7. The municipal officers of said town shall in addition to said mayor and councilmen, consist of a treasurer, sergeant, clerk of the council, town manager, commissioner of the revenue and such other officers as may be provided for by the town council and the council may appoint such committees of the council and create such boards and departments of town government and administration with such powers and duties and subject to such regulations as it may seem fit, consistent with the provisions of this act and the general laws of this State and any number or all of the officers provided for by this section may be held by one man.
- 8. A treasurer, clerk of the council, sergeant, city manager and commissioner of the revenue, or such of them as the said council of said town shall deem expedient and proper for the best interests of said town shall be appointed by the council at its first regular meeting in October after each town election, or as soon thereafter as is possible and convenient and shall assume the duties of their office on the first day of January next succeeding. Their term of office shall be for two years from the time fixed for their assuming the duties of their office and they shall serve until their successors shall have qualified.
- 9. The duties and compensation of all municipal officers except as herein or hereafter by the general laws of the State defined or provided for, shall be defined and prescribed by the town council.
- 10. All officers and employees appointed as provided in the preceding section may be removed by the town council at its discretion.
- 11. In case of a vacancy in any position so authorized to be filed, a qualified person may be appointed to fill such position or office for the unexpired term by the town council.
- 12. The mayor, councilmen and all other municipal officers of said town shall, before entering upon the duties of their respective

office, be sworn and take the oath of office as required by the laws of this State by any one authorized to administer oaths under the law of this State.

13. When the mayor, councilmen, treasurer, sergeant and commissioner of the revenue take the oaths required of them, triplicate certificates of the court, or person administering the same, stating the fact of their having been taken shall be obtained by the person taking the same and be by him delivered for record as follows, one to the circuit court of Grayson county clerk's office, one to the circuit court of Carroll county clerk's office and one to the clerk of the town council. When any other municipal officer takes the oath required of him a certificate as aforesaid, shall be secured by him and delivered to the clerk of the town council only.

14. If any person elected or appointed to any office in said town shall neglect to take such oath on or before the day on which he is to enter upon the discharge of the duties of his office, or shall for twenty days after the beginning of his term of office, fail to file such bond with such security as may be required of him by the said council of said town, he shall be considered as having declined said office, and the same shall be deemed vacant and such vacancy shall be filled

by the council of said town.

15. If any person having been an officer of said town shall not within ten days after he shall have vacated or been removed from office, and upon notification or request of the clerk of the town council, or within such time thereafter as the council may allow deliver over to his successor in office all property, books, and papers belonging to the town or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the town a sum not exceeding five hundred dollars to be sued for and recovered with costs; and all books, records and documents used in any office by virtue of any provisions of this act or of any ordiances or order of the town council, or any superior officer of said town shall be deemed the property of said town and appertaining to said office, and the chief officer thereof shall be held responsible therefor.

16. The mayor.—The mayor shall be the chief executive officer of the town and it shall be his duty to see that the by-laws and ordinances thereof are fully executed and he shall preside over the

meetings of the town council, voting only in case of a tie.

17. Every ordinance or resolution having the effect of an ordinance, shall before it becomes operative, be presented to the mayor. If he approves, he shall sign it, but if not he may return it to the clerk of the council, and the council shall enter at length the objections on its journal and proceed to reconsider it. If after such reconsideration, two-thirds of all the members elected to the council shall agree to pass the ordinance or resolution, it shall become operative, notwithstanding the objection of the mayor. If any ordinance or resolution shall not be returned by the mayor within five days (Sundays and legal holidays excepted), after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless

his term of office or that of the council shall expire within said five days.

The mayor shall have the power to veto any particular item of an appropriation, ordinance or resolution; but such veto shall not affect any item or items to which he does not object. The items or item objected to shall not take effect except in the manner provided in this section as to ordinances or resolutions not approved by the mayor.

18. The mayor shall see that the duties of the various town officers, members of the police and fire departments, whether elected or appointed, are faithfully performed. He shall have the power to investigate their acts, have access to all books and documents in their office, and may examine them or their subordinates on oath, but the evidence given by persons so examined shall not be used against them in any criminal proceeding.

19. The mayor shall communicate to the town annually at the beginning of each fiscal year, January first or oftener, if he be required by the council, a general statement of the condition of the town in relation to its government, finances and improvements, with such recommendations as he may deem proper, and may from time to time communicate to the council such suggestions and recom-

mendations as he shall deem proper.

20. In case of the absence or inability of the mayor, the president pro tempore of the council, to be chosen by a majority of the council present at a legal meeting, or in his absence or inability some other member of the council chosen in the same manner, shall possess the same power and discharge the municipal duties of the mayor during such absence or inability.

21. In case a vacancy shall occur in the office of mayor the vacancy shall be filled by appointment by the town council of any

one eligible to such office.

22. Of the town council generally.—The town council shall by ordinance fix the time of their stated meetings, and no business shall be transacted at a special meeting unless two-thirds of all members of the council be present, but that for which it shall be called.

- 23. The town council may be convened at any time upon the call in writing of the mayor or any three members thereof, the object of the meeting being stated, but if all the members of the council shall be present the resolutions and ordinances passed at such meeting shall be valid though there should have been no call in writing for said meeting or such call if made should be irregular, or not served upon the members of the council. Service of the notice of a call meeting to be made on the members of the council and mayor in the way notices are served under the general law of the State.
- 24. The mayor and three councilmen or in the absence of the mayor four councilmen shall constitute a quorum for the transaction of business. But no vote shall be reconsidered or rescinded at any meeting, unless at such meeting there be present as large a number of the council as were present when such vote was taken.



- 25. No tax shall be levied or corporate debt contracted unless by a vote of two-thirds of the council, which vote shall be by yeas and nays and recorded in the journal; nor shall any ordinance be passed or resolution adopted having for its object the appropriation of money exceeding the sum of one hundred dollars except by the recorded affirmative vote of a majority of all members elected to the council.
- 26. A journal shall be kept by the town clerk of the proceedings of the town council, and at the request of any member present the yeas and nays shall be recorded on any question. At the next meeting the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned, or if he be not then present, by the person presiding when they were read. It shall be the duty of the town clerk to index all of said ordinances passed.
- 27. The town council shall have the power and authority to prevent hogs, dogs and other animals from running at large in said town, and may subject the said animals to such regulations and taxes as they may deem proper and to prohibit and punish the abuse or cruel treatment of horses or other animals in said town.
- 28. The town council shall have the power and authority to prevent the coming into town of persons having no visible means of support and of persons who may be dangerous to the peace and safety of the town.
- 29. The town council shall have the power and authority when any crime has been committed or attempted to be committed in the town to offer such reward as they think right, not to exceed fifty dollars, for the arrest and conviction of such criminals, said reward to be paid out of the general funds of the town when duly approved and ordered to be paid.
- 30. The town council shall have the power and authority to establish a market or markets in and for said town and appoint proper officers therefor, to provide suitable buildings and grounds therefor, to prescribe the time for holding markets and to regulate the same and to make and enforce such regulations as may be necessary in connection therewith.
- 31. Police force.—The town council shall have the power and authority to appoint additional police officers when in their opinion they are needed to work with and under the supervision of the town sergeant, who shall be the chief of police.
- 32. And the city council shall have power to make such regulations and orders as will protect its citizens against dangers from unsafe houses or walls and to that end shall have power to cause to be condemned and taken down any such building or wall, but no such condemnation shall be made or such house or wall taken down until the owner thereof, or in case of an infant or insane person, his guardian or committee, be duly summoned before the mayor of the town, who shall be charged by the ordinance with such duty and allowed reasonable opportunity to show cause against such action, and a right of appeal to the circuit court of the county in which said

wall or outbuilding stands, will be allowed as a matter or right to

the parties interested.

The town council shall have the right and power to provide for the regular and safe construction or repair of all buildings and houses in the said town and the material out of which the same are to be built.

- 33. If the council deem it expedient they may provide by resolution passed by two-thirds of the entire council that no corporation tax shall be levied upon the machinery, implements, money and capital of any new manufacturing establishment actually in use for manufacturing purposes, within the said city for a term of five years or less, provided that the applicants for such exemption of corporation tax shall enter into satisfactory written agreement with the town council to operate their respective manufacturing plants during the term of exemption. The provision of this section are not intended to apply to any manufacturing plant that has been erected but is intended to be used only to encourage the building of new manufacturing plants in the town.
- 34. The town sergeant or chief of police of said town and the officers and privates of the police force of the town shall be invested with all the power and authority which State officers such as sheriffs and constables have under the State laws in taking cognizance of and enforcing the criminal law of the State and the ordinances and regulations of the town respectively.
- 35. Fire department and prevention of fire.—The town council shall have power and authority to establish and maintain a fire department for the town and all powers necessary for the government, management, maintenance, equipment and direction of such fire department and the premises, property and equipment thereof. The council may make ordinances as it may deem proper for the prevention and extinguishment of fires, for the regulation of the conduct of persons in attendance at fires, in relation to the powers and duties of officers and men of the fire department, to require citizens to render assistance to the fire department in case of need.
- 36. The town council shall have the power and authority to regulate the keeping or storage of gunpower or other combustibles within the town and direct the location of all buildings used for the storage of same, to regulate the sale and use of gunpowder and other combustible material, to regulate the exhibition of fireworks and the discharge of fire arms and explosives of all kinds and descriptions and to restrict the making of bonfires in streets, alleys and yards.
- 37. Water and sewer and other public utilities.—The town council shall have power and authority to acquire or otherwise obtain control of or establish, maintain, operate, extend and enlarge waterworks, and sewer service within or without the limits of the town, and to acquire within or without the limits of the town by purchase, condemnation or otherwise whatever land may be necessary for acquiring, establishing, maintaining, operating, extending and enlarging said waterworks, sewer service or other public utilities.

38. The town council shall have the power and authority to protect from injury the waterworks and sewer lines and other public utilities within or without said town by ordinances prescribing ade-

quate penalties for the injury thereof.

- 39. The town council shall have power and authority to require owners or occupiers of the real estate within the corporate limits of the town which may front or abut on the line of any sewer or water pipe line or conduit to make connection therewith, and to use sewer pipes and conduits and water furnished by the town, under such ordinances and regulations as the council may deem necessary to secure the proper sewerage and to improve and secure good sanitary conditions, and shall have the power to enforce the observance of all ordinances and regulations by the imposition and collection of fines and penalties to be collected as other fines and penalties are collected, and shall have power and authority to fix and impose the charges and dues to be paid by the owners or occupiers of the properties of persons served thereby for tapping or using such sewer or conduit and for the use of water supplied by the town, said charges and dues to be collected as taxes are collected.
- 40. Streets, et cetera.—The town council shall have the power and authority to impose taxes and assessments upon the abutting landowners for making and improving the walkways upon then existing streets and improving then existing alleys and streets, but said taxes or assessments shall not exceed one-half of the total cost of said walkways, alley or street immediately and directly along, by or adjoining said property owner. All such taxes and assessments upon abutting landowners for such improvements shall be made in accordance with the general laws of this State.

The town council shall have the power and it shall be their duty to make and enforce ordinances to secure the safe and expeditious use of the streets and alleys and walkways of the town, to regulate traffic thereon, and for the protection of persons and property

thereon or near thereto.

42. All disbursements of town moneys shall be by check or order of the town, signed by the treasurer and countersigned by the clerk of the council, unless the treasurer and clerk of the council be the same person, in which event the said checks and orders shall be counter-

signed by the mayor.

43. On or before the first day of January of each year the treasurer shall make his final settlement with the town council, at which time he shall make up a statement of all moneys collected by him on account of town levies, license taxes, penalties and all other sources since his last final settlement with the town council, and also lists of insolvents and delinquents as herein prescribed. All statements by the treasurer shall be verified by affidavit and if he fail to make any such statement within the prescribed time he shall forfeit his commissions as such.

44. At the end of each fiscal year when the treasurer makes his final settlement with the council and oftener if required he shall make up a full and detailed statement of the financial condition of the town and of all receipts and disbursements and expenditures for the preceding fiscal year which said statement shall be published in some newspaper published in the town.

45. Finances, assessment, et cetera, bonds.—The council for the town of Galax whenever in the opinion of two-thirds of its members it is to the interests of the town so to do may borrow money for the uses and purposes of the town and to that end said council by a recorded vote showing that two-thirds of the members of the council are of the opinion that it is to the interest of the town so to do, may from time to time issue and sell bonds of said town which bonds may be either registered or coupon, and shall be issued in such denominations and bear such rate of interest not exceeding six per centum per annum as may be determined by the council. Such bonds shall be made payable in gold or currency not exceeding thirty years from their date, and may at the option of the council be made redeemable after such time as the council may prescribe, the interest shall be payable annually or semi-annually as the council may determine; and the council may exempt any or all of such bonds from town taxes; in which case a clause to that effect shall be inserted in each bond. No bond so issued shall be sold by the town at less than par. And after said bonds are so issued and paid for and delivered to the purchaser and the said purchaser nor any subsequent holder be required to see to the proper application of the money by the town.

All bonds so issued shall be signed by the mayor and countersigned by the clerk of the council and shall have the seal of the town affixed thereto and said bonds shall be issued and sold and the proceeds used under the orders and direction of the council. Every bond issued shall state on its face for what purpose the proceeds are to be used and the proceeds of such bonds shall be used exclusively for the purposes as thereon stated, and the bonded debt of the town shall not at any time exceed eighteen per centum of the assessed value of the real estate in the town except as otherwise provided by law, and provided always that no bonds shall be issued or sold for the purpose of subscribing to the stock of any company incorporated or otherwise and nothing contained in the charter shall be held to authorize the council to endorse or guarantee the bonds of any person or corporation whatever.

46. The town council shall have the power and authority to provide by a special tax and levy for the payment of the interest on

all bonds at maturity or sooner.

47. For the execution of the powers and duties the town council shall have the power and authority to raise annually by levies, taxes and assessments, in said town such sums of money as they shall deem necessary therefor and in such manner as they may deem expedient in accordance with the provisions of this act and the laws of this State and of the United States.

The town council shall at its first regular meeting in February of each year or as soon thereafter as may be, cause to be made up

and entered on their journal an account of all sums lawfully chargeable on the town which ought to be paid within one year and shall order and make a town levy of so much as in their opinion is necessary to be raised by levy on real estate and personal property and persons in addition to what may be received from license or other sources. The levy so ordered may be upon any or all of the following subjects of taxation:

- (a) Male and female persons in the town above the age of twentyone years.
- (b) Any property, real and personal, in the town not especially exempt from State taxation.
- (c) Such other subjects of taxation as may at the time be assessed with the State taxes or county levies against persons residing therein and not specifically exempted from municipal taxation, and,
- (d) Such other subjects of taxation as at the time said levy is ordered may be subject to municipal taxation by the laws of this State.
- 48. The rate of such levies upon real and personal property shall not exceed the maximum allowed by the State law on one hundred dollars of assessed valuation.
- 49. Such municipal capitation tax or levy so ordered shall not exceed three dollars per poll.
- 50. All municipal taxes shall be uniform upon the same class of subjects within the town and shall be levied and collected under general laws and ordinances.
- 51. The town council in addition to the State taxes on licenses, may when anything for which a license is so required is to be done within the town, impose a tax for the privilege of doing the same and require a license to be obtained therefor, and within the limitations of the Constitution of this State and the United States may levy a license tax on any other business or thing done or carried on in the town, whether a license tax is required therefor or not by the State; provided, however, that nothing contained in this act shall be construed to permit the imposition of a tax or the requirement of a license in any case where such imposition or requirement by cities and towns is forbidden by general law.

52. The town council shall have the power to levy a tax on dogs

kept within the town.

53. All taxes assessed whether on property or head tax, license tax, dog tax, or other tax shall be a lien on any property, real or personal, the person has that has been so assessed with the same and the treasurer or sergeant of the said town has the right to levy the same and enforce the collection thereof as is provided for the collection of taxes under the State laws.

Any person failing to pay any town taxes to the treasurer or other such officer by the first day of December of the year in which assessed shall incur a penalty thereon of five per centum, which shall be added to the amount of the levies or taxes due from such taxpayer, which when collected by the treasurer or other such officer shall be accounted for in his statements.

It shall be the duty of the treasurer or other officer after the first day of December to call upon each person, resident within the town chargeable with taxes, who has not paid the same or upon the agent, if any, of such person resident within the town for payment thereof, and upon the failure or refusal of such person or agent to pay the same he shall forthwith proceed to collect the same by levy, distress or otherwise. Should it come to the knowledge of the treasurer or other such officer that any person or persons owing such levies is moving or contemplating moving from the town prior to the first day of December, he shall have the power to collect the same by levy, distress or otherwise at any time after such levy bills have come into his hands.

When the treasurer or other such officer has to levy or distrain and sell or levy or distrain without selling, he shall receive a fee of one dollar to be collected with the town levies or taxes levied or distrained for.

54. The treasurer or other officer whose duty it is to collect town taxes and levies after ascertaining which of the taxes and levies assessed in town cannot be collected, shall not later than the fifteenth day of June, in each year, make out lists of such as cannot be collected upon forms similar to those prescribed for county treasurers, with the name of the persons chargeable with such town taxes and levies placed thereon alphabetically, and such lists shall be of four classes:

First. A list of property on the commissioners land book improperly placed thereon or not ascertainable with the amount of

municipal levies charged thereon.

Second. A list of other real estate which is delinquent for the

non-payment of the municipal levies thereon.

Third. A list of such municipal levies assessed other than on real estate, as he is unable to collect, including the capitation levies included in list number four below.

Fourth. A list of such municipal capitation taxes or levies as he is unable to collect.

At the foot of each list subscribe and take the following oath: "I, \_\_\_\_\_, of the town of Galax, Virginia, who is charged with the duty of collecting the taxes and levies of said town do swear that the foregoing list is, I verily believe, correct and just, that I have received no part of the town levies mentioned in the said list, and that I have used due diligence to find property within my town liable to distress for the said levies but have found none."

55. Each of said lists shall be presented to and examined by the town council, together with the tax or levy tickets corresponding thereto; and if said council be satisfied of the correctness of the lists, and that the taxes or levies are correctly extended, or having corrected them if erroneous, it shall credit the treasurer or other officer charged with the collection thereof with the amount thereof, and thereafter the treasurer or other such officer shall be under no liability for failure to collect the same and such delinquent tax or levy tickets shall be delivered to the town sergeant for collection.

- 56. Schools and school taxes, et cetera.—The territory embraced within the corporate limits as described and set out in detail in this act shall constitute a separate district and unit for school purposes and government. The territory heretofore embraced in the east and west Galax school districts not within the corporate limits aforesaid shall be and hereby is made a part of the school district, they adjoin in the respective counties of Carroll and Grayson and no longer a part of the east and west Galax school districts of Carroll and Grayson counties.
- 57. Said school district so created within the bounds of said corporate limits shall be called Galax school district of Carroll and Grayson counties and shall be a separate and distinct unit within itself in so far as the Constitution of the State of Virginia will permit.

58. Said school district as aforesaid shall be under the supervision of the superintendent of schools of Grayson or Carroll county, either or both, in the discretion of the State board of education.

- 59. Said school district shall have a board of not more than three trustees, to be elected from the citizens thereof, male or female, by the town council of said town and the town clerk is to keep a minute upon the journals of the said town of such elections. The election of said trustees to be on the same day provided by general law for the election of trustees, or as soon thereafter as is convenient.
- 60. The district school tax for said school district shall be levied and collected by the town council and its officers as other taxes are collected and the said school district shall not be levied with district taxes by the boards of supervisors and constituted authorities of Carroll and Grayson counties. The county school levy of the county to be levied and collected the parts of said school district situate within each of said counties by the said county officers but all of such funds so collected within said Galax school district, et cetera, shall be turned over and paid to the school authorities of said district for school purposes.

The limits of the said district school levy to be levied and collected by the town council and its officers shall be as prescribed by the Constitution.

- 61. In addition to said district school levy the town council of the town of Galax are hereby empowered to levy a capitation tax on all male and female citizens of said town for school purposes over the age of twenty-one years not exceeding the maximum capitation tax for such purposes provided by the Constitution and general laws of the State.
- 62. All the rights and remedies for the collection of taxes given under this charter and the laws of this State are hereby extended for the collection of said school taxes as given herein.

63. All ordinances now in force in the town of Galax, Virginia, not inconsistent with this act, shall be and remain in force until altered, amended or repealed by the town council.

64. All acts or parts of acts in conflict with this act are hereby repealed in so far as they affect the provisions of this act.

65. Inasmuch as the necessities of the town require prompt action, an emergency exists rendering it necessary that this act shall go into operation at once, therefore this act shall be in force from its passage.

CHAP. 102.—An ACT for the protection of deer in the county of Mecklenburg.

[S B 214]

Approved February 25, 1922.

- 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to kill, chase or capture, or buy, offer for sale or have in possession any wild deer in the county of Mecklenburg between January first and October first of each year, or to track or hunt them in the snow.
- 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

CHAP. 103.—An ACT to regulate child placing, and to provide for the licensing, visitation, supervision, inspection and regulation of agencies engaged in the business of receiving and caring for children or placing or boarding them in private homes; and to repeal sections 1931 to 1935, inclusive, of the Code of Virginia.

[S B 82]

Approved February 27, 1922.

Be it enacted by the general assembly of Virginia as follows: Section 1. It shall be the duty of the State board of public welfare to pass annually on the fitness of every agency, public, semi-public or private which engages in the business for gain or otherwise, of receiving and caring for children or placing, or boarding them in private homes. Annually and at such time as the board shall direct every such agency shall make a report showing its condition, management and competency to care adequately for such children as are or may be committed thereto or received thereby, the system of visitation employed for children placed in private homes, and such other facts as the board may require. When the board is satisfied that such agency is competent and has adequate facilities to care for such children, and that the requirements of the statutes covering the management of such agencies are being complied with it shall issue to the agency a license which shall continue in force for one year unless sooner revoked by the board. No agency which has not received such license within the fifteen months next preceding shall receive a child for care or placing out, or place a child in another home or solicit money in behalf of such agency. All such agencies shall be subject to the visitation and inspection by the local board of health. and the same visitation, inspection and supervision by the State board of public welfare as are the public charitable institutions of the State. The word "agency" where used in this act shall include individuals, partnerships, voluntary associations and corporations.

Section 2. Every agency permitted by law to receive, secure homes for, or otherwise care for children, shall keep a record containing names, ages, present and former residences of all children received; the names, former residences, occupations and character so far as known of the parents; the dates of reception, placing out or adoption, together with the names, occupations and residences of the person with whom the child is placed; the date and cause of cancellation of any contract, the date and cause of any removal to another home; the date and cause of termination of custody, and a brief history of each child until he shall have reached the age of eighteen years, or shall have been legally adopted or discharged according to law.

Section 3. Every such agency shall report on the first day of each month to the State board of public welfare on forms supplied by it, giving the information contained in the record and such other in-

formation as the board may require.

Section 4. The State board of public welfare shall within ninety days of the receipt of the notice of placement of any child, cause such child to be visited by one of its agents for the purpose of ascertaining whether the home is a suitable one for the child, and whether the child is contented. The board shall continue to visit and supervise the care of such child as though the child were placed out by the board. Whenever satisfied that a child has been placed in an unsuitable home, or that the child continues to be discontented, the board may order its transfer by the agency which placed it, and if said order is not obeyed within thirty days, or such shorter time as is named in the order, the board itself shall take charge of and provide for such child.

Section 5. Every agency placing out a child shall through one of its agents visit the proposed home and make a preliminary investigation as to its suitability before placing such child therein. After placement the child shall be visited within two months, and as often thereafter by the agency placing it out as may be required by the

State board of public welfare.

Section 6. Every agency placing a child in a home shall enter into a written agreement with the person taking the child, which agreement shall provide that the agency shall have access at all times to such child and to the home in which he is living, and for the return of the child by the person taking him whenever in the opinion of the agency, or in the opinion of the State board of public welfare, the best interests of the child shall require it. The provisions of this section shall not apply to children who have been legally adopted.

Section 7. No agency shall bring or send into the State any child for the purpose of placing him out or procuring his adoption, without first obtaining the consent of the State board of public welfare. Such agency shall conform to the rules of the board, and shall enter into a written agreement with the board to remove such child from the State when requested so to do by the said board, prior to the child's adoption or becoming of age; that it will place the child



under written contract approved by the board; that the person with whom the child is placed shall be responsible for his proper care and training; that the board shall have the same right of visitation and supervision of the child and the home in which it is placed as in the case of a child placed out by the board. Before the child shall be brought or sent into the State for the purpose of placing him in a home, the agency so bringing or sending such child shall first notify the State board of its intention and shall obtain from the State board a certificate stating that such home is in the opinion of the said board a suitable home for the child. The agency bringing or sending the child into the State shall report once a year, or when the child is placed in another home, or at such other times as the board may direct, as to the location and well-being of the child so long as he shall remain within the State and until he shall have reached the age of eighteen years or shall have been legally adopted.

Section 8. No child shall be taken or sent out of the State for the purpose of placing him in a home, otherwise than by a parent or guardian, unless the agency so taking or sending him shall give the State board of public welfare notice of its intention and furnish such information as the board may require. Such agency shall place the child under written contract approved by the board that the person with whom the child is placed shall be responsible for his proper care and training, and thereafter shall report to the board once a year and at such other times as the board may direct, as to the location and well-being of such child until he shall have reached the age of eighteen years or shall have been legally adopted.

Section 9. No officer, agent, or employee of the State board of public welfare or a local board of health shall directly or indirectly disclose the contents of the records herein provided for, or the facts learned about the children, their parents or relatives or other persons having custody or control of them, except upon inquiry before a court or justice, upon order of court or justice, at a coroner's inquest, or

for the information of the State board of public welfare:

Provided, that any person who has arrived at the age of majority and who believes himself to have been placed out by an agency reporting to the board, shall have the right to demand and receive from the board such information as the board may have concerning his

own parents or relatives.

Section 10. Every person, acting for himself or for an agency, and every officer, agent or employee of the State board of public welfare, who violates any of the provisions of this act, or who shall intentionally make any false statements to the State board of public welfare shall upon conviction thereof be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Section 11. Sections nineteen hundred and thirty-one to nineteen hundred and thirty-five, inclusive, of the Code of Virginia are hereby

repealed.



CHAP. 104.—An ACT to accept the provisions of an act of the Congress of the United States, approved November 23, 1921, entitled an act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes.

IS R 851

#### Approved February 27, 1922.

1. Be it enacted by the general assembly of Virginia, That the Commonwealth of Virginia hereby accepts the provisions of the act of the Congress of the United States, approved November twenty-third, nineteen hundred and twenty-one, entitled an act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes.

2. The State board of health is hereby directed to co-operate, through its child welfare division, with the Federal children's bureau in the administration of the provisions of the act of Congress aforesaid, and to do all things necessary to entitle the Commonwealth to

receive all the benefits thereof.

3. The auditor of public accounts is hereby designated as the custodian of all funds allotted to the Commonwealth from appropriations made by Congress under or in pursuance of said act, and he shall receive and provide for the proper custody and disbursement of the same in accordance with law.

4. The State board of health is hereby directed to submit, through its child welfare division, to the Federal children's bureau detailed plans for carrying out within the Commonwealth the provisions of the act of Congress aforesaid, which plans shall be subject to the approval of the Federal board of maternity and infant hygiene: Provided, that the plans submitted shall provide that no official, or agent, or representative in carrying out the provisions of this act shall enter any home or take charge of any child over the objection of the parents, or either of them, or the person standing in loco parentis or having custody of such child.

5. No official, agent, or representative of the State board of health, or its child welfare division, shall by virtue of this act have any right to enter any home over the objection of the owner thereof, or to take charge of any child over the objection of the parents, or either of them, or of the person standing in loco parentis or having custody of such child. Nothing in this act shall be construed as limiting the power of a parent or guardian or person standing in loco parentis to determine what treatment or correction shall be provided for a child or the agency or agencies to be employed for

such purpose.



CHAP. 105.—An ACT to continue the board of charities and corrections under the name of State board of public welfare; to provide for the composition and maintenance of said board; to prescribe its powers, duties and compensation; to provide how the officers, assistants and employees of the board may be appointed and compensated; to authorize the board to create a children's bureau; to provide how county and city boards of public welfare must or may be appointed, with certain exceptions, and to prescribe the powers and duties of such local boards; to authorize such local boards to appoint local superintendents of public welfare, and to prescribe the powers, duties and compensation of such superintendents if and when appointed; also to repeal sections 1888 to 1902, inclusive, of the Code of Virginia.

### Approved February 27, 1922.

Be it enacted by the general assembly of Virginia, as follows:

Section 1. The board of charities and corrections, consisting of five members, established by an act approved March thirteenth, nineteen hundred and eight, and retained by section eighteen hundred and eighty-eight of the Code of Virginia of nineteen hundred and nineteen, shall be continued under the name of State board of public welfare; and wherever the words "board of charities and corrections," or other words denoting that board appear in any statute heretofore or hereafter enacted, the same shall be construed to mean the State board of public welfare provided for in this act. The members of the board of charities and corrections who may be in office when this act takes effect shall continue in office as members of the State board of public welfare, and on February fifteenth in every year, the governor shall, subject to confirmation by the Senate, appoint one member of the last named board for a term of five years commencing on that date, to succeed the member whose term then expires by limitation. Appointments to fill vacancies caused by death, resignation, removal, or any other cause, before the expiration of such terms, shall be made for the residue of such terms in the same manner. No director, officer, or employee of an institution subject to the terms of this act shall be appointed a member of such board. The members of the said board may at any time be removed by the governor for

Section 2. The rooms in the State library building, occupied by the board of charities and corrections on the passage of this act, shall be the rooms of the State board of public welfare until otherwise provided by law, or ordered by the governor and the register of the land office and superintendent of grounds and buildings.

Section 3. The State board of public welfare shall hold its meetings at least semi-annually, and oftener whenever called in session by the chairman thereof. The chairman shall be annually elected by the members of the board from among their number, and the board may make such rules and regulations for the conduct of its proceedings as it may deem proper. The members of the board shall receive no compensation for their services, except as hereinafter provided. Wherever the word "board" is used hereafter in this act, the same shall mean the State board of public welfare unless the context indicates otherwise.

Section 4. The board shall appoint, to serve during its pleasure, an executive officer, to be known as the commissioner of public welfare, who shall be paid for his services, in addition to necessary traveling expenses, such annual salary as may be appropriated by law for the purpose. No person while a member of the board, or within twelve months after retirement therefrom, shall be eligible for this office. The board may appoint an assistant commissioner of public welfare, who, if appointed, shall serve during the pleasure of the board, and shall receive such annual salary as may be appropriated by law for the purpose. All other assistants and employees attached to the board shall be appointed by the commissioner of public welfare, subject to the approval of the board. The salaries of the commissioner, assistant commissioner, and employees, and all other expenses of the board shall be paid out of the State treasury, on warrants of the auditor of public accounts, issued on certificates signed by the chairman of the board. All necessary printing and binding for the board shall be done through the superintendent of public printing, and shall be paid for out of the general printing fund.

Section 5. The members of the said board, and the commissioner and assistant commissioner shall, before entering upon the discharge of their duties, take an oath faithfully to perform the duties imposed upon them by this act. Before entering upon the discharge of their duties, the commissioner and assistant commissioner shall each execute a bond, payable to the Commonwealth, in such sums as may be required by the board, with sufficient surety, which bonds shall be filed

in the office of the secretary of the Commonwealth.

The board is hereby authorized, and it shall be its duty, as a whole, or by a committee of its members, or by its agents, to visit, inspect and examine, once a year or oftener, all State, county, municipal, and private institutions which are of an eleemosynary, a charitable, correctional, or reformatory character, or which are for the care, confinement, custody, or training of the defective, dependent, neglected, delinquent, or criminal classes, except that the hospitals for the insane, the penitentiary, the industrial schools, and the reformatories shall be visited as often as once in every six months and by at least two members of the board. The board shall also inspect and report on the workings and results of the chartered institutions and associations engaged in the care and protection of the homeless, mentally defective, dependent, negletced or delinquent children or The board shall make reports regarding the condition of said institutions or associations, the care of their inmates, the efficiency of their administration, and such other matters as it may deem proper. All reports shall be duly signed and filed in the office of the board, and such extracts and recommendations thereof as the commissioner of public welfare deems advisable shall be transmitted to the chairman of the boards of supervisors of the counties, the presidents of the councils of the cities, and the officials who are in charge of the respective institutions. The officers and all other persons in charge of, or connected in any way with the administration or management



of such public institutions, are hereby required to furnish to the board, its committee or agents, all information, statistics and reports required and to allow the said board, its committee or agents, free access to the inmates, departments and records at any and all times upon the visitation to any of said institutions by said board, its committee or agents, they shall have the power to interview any of its inmates without the presence of any manager or employe of said institution. Every superintendent or chief officer having charge of an institution of a charitable or penal nature shall make full and complete reports to the board whenever required, which reports shall contain such information as may be required. Any person interfering with the board, its committee or agents, in the discharge of their official duties, or refusing to disclose information concerning the institutions embraced in this act, when lawfully requested, shall be deemed guilty of a misdemeanor.

Section 7. All plans for public institutions of either a charitable or penal nature shall, before adoption by county or city authorities, be submitted to the board, which shall promptly return the same with such suggestions and recommendations as it may deem proper.

Section 8. Whenever the governor considers it proper or necessary to investigate the management of any institution receiving aid from the State and required to be inspected under the provisions of this act, he may direct the board, or any committee or agent thereof, to make said investigation. The board, committee, or agent designated by the governor shall have power to administer oaths and to summon officers, employees or other persons to attend as witnesses and to enforce their attendance, and to compel them to produce documents and give evidence. Each member of the board conducting any such investigation shall be paid out of the funds of the institution investigated, his necessary expenses and five dollars per day during actual service.

Section 9. The board shall encourage and direct the training of prospective county or city superintendents of public welfare, collect and publish statistics regarding the dependent, defective, and delinquent classes, both in and out of institutions, within the State, and such other data as may be deemed of value in assisting the public authorities and other social agencies of the State in improving the care of these classes and in correcting conditions that contributed to their increase. The board shall also, in its discretion, initiate and conduct conferences designed to accomplish such ends and to further co-ordination of effort in this field.

Section 10. The board shall biennially prepare and submit to the governor, not later than December first prior to the meeting of each regular session of the general assembly, a full and complete report of its acts and doings during the preceding two years, stating in detail all expenses incurred, all officers and agents employed, and showing the actual condition of all State and other public institutions under its supervision. The report shall also contain such suggestions as the board may deem necessary or pertinent to make. Such reports

shall be printed by the superintendent of public printing and the board shall cause a copy thereof to be filed in the clerk's office of each circuit and corporation court of the State. A copy shall also be sent by the board to each of the institutions mentioned therein.

Section 11. The board is hereby authorized and empowered to create a children's bureau, and if such bureau be created, the commissioner of public welfare may, subject to the approval of the board, appoint a director of the bureau and such assistants as may be necessary. The children's bureau, subject to the control of the board, shall have general supervision of the interests and welfare of the mentally defective, dependent, delinquent and neglected children of Virginia; shall investigate conditions bearing upon this subject, and shall from time to time recommend to the board of public welfare and to public and private agencies measures, curative and remedial, and preventive or constructive for the improvement of conditions and the better safeguarding the welfare of the children of the State. The board is hereby authorized and empowered to receive mentally defective, delinquent, dependent and neglected children committed to it by courts or justices, and all children declared by any court or justice to be delinquent and not suitable for probation shall be committed to the State board of public welfare, which board is authorized to establish one or more receiving homes for the care, supervision and study of mentally defective, delinquent, dependent or neglected children thus committed to it, or to make arrangements with satisfactory persons, institutions, or agencies, or with cities maintaining places of detention for children, for the temporary care of its wards. The board is further authorized to make a careful physical and mental examination of every such child, to investigate in detail the personal and family history of the child and its environment, and to place children in approved family homes, in suitable licensed institutions all within the State of Virginia, unless by written consent of its parent or guardian with suitable licensed agencies, or in State institutions. Children committed to State institutions dealing exclusively with children by the board shall take precedence as to admission over all others and shall in all cases be received into the said State institution as soon as possible. Children placed in family homes or institutions may be transferred for reasons deemed sufficient by the board.

Section 12. The circuit court of each county of the State, or the judge thereof in vacation, shall, and the corporation or hustings court, or the judge thereof in vacation, of each city of the first class, may, appoint, from a list of eligibles submitted by the State board of public welfare, a county or city board of public welfare consisting of not less than three, nor more than seven members, preferably the latter number. The first appointments under this section, except in cities of the first class, shall be made not later than two years from the date of the passage of this act. Each member of a county or city board of public welfare shall be a resident of the county or city for which the particular board is appointed, and the terms of the members of each board shall be so arranged that one or more (but not all)

shall expire annually. No appointments shall be made for a term longer than four years. Upon the expiration of the term of a member, his successor shall be appointed, upon the recommendation of the State board of public welfare, for a term of four years. Any member of a county or city board may be removed at any time for cause by the State board of public welfare, by and with the approval, entered of record, of the court or judge making the appointment. But this section is subject to the following qualification. In cities of the first class having departments of public welfare, or like departments, at the passage of this act, city board of welfare shall not be appointed; but the councils or other governing bodies of such cities shall, by ordinance, apportion the powers and duties by this act conferred and imposed upon county and city boards and superintendents of public welfare among the officers or departments of the particular city government in such manner as they may deem wise. For the purpose of this act, cities of the second class shall in all respects be deemed to be parts of the counties in which the same are situated, and residents of any such city shall, for the purposes of this act, be deemed to be residents of the county in which the city is situated.

Section 13. The clerk of the court shall immediately notify the members of the county or city board of their appointment, and such members shall, within fifteen days after their notification, meet at some convenient place and organize by electing a chairman from among their number. The county or city board shall thereafter meet bi-monthly on the second Tuesday of the month, and on other occasions on call of the chairman, or in pursuance of action by the board. Minutes of the attendance and of the transactions of all meetings of the board shall be kept on file by the secretary of the board and copies thereof shall be transmitted to the State board of public welfare within three days after each meeting. The State board may declare the place of any county or city member vacant upon three consecutive absences, without reasonable excuse, by such member from the meetings of his board, and the court shall appoint a successor upon the request of, and from an eligibility list submitted by the State The county or city superintendent of public welfare, if one has been appointed as hereinafter provided, shall act as secretary of his board. In counties and cities where no such superintendent has been appointed, the local board shall elect a secretary from among their number. The secretary shall file a report of such organization signed by himself and the chairman, with the clerk of the circuit court of the county or the corporation court of the city, and with the State board of public welfare. The members of each of the aforesaid county and city boards shall serve without pay. But no member shall enter upon the discharge of his duties unless and until he shall have taken the usual oaths of office before the court or judge which appointed him, or the clerk thereof in vacation.

Section 14. It shall be the duty of each county or city board of public welfare, by personal visitation or otherwise, to keep itself fully advised of the conditions and management of all institutions of

a charitable or penal nature in its county, or city, and to that end shall have full authority to inspect such institutions and shall be given full access to the accounts and records thereof; to interest itself in all matters pertaining to the social welfare of the people of its county, or city, and to direct the activities of the superintendent of public welfare, where there is one, and to co-operate with the juvenile and domestic relations courts and all other agencies operating for the social betterment of the county or city. The county or city board of public welfare shall, when it may deem it advisable and expedient, elect from a list of eligibles submitted by the State board, a county or city superintendent of public welfare and such assistants as the local board may deem necessary who shall hold office at the pleasure of the local board or until their successors are appointed and qualified. The county or city board shall, upon the request of the State board, officially consider the discharge and replacement of any county or city superintendent. The salaries of the said officer and his assistants shall be fixed by the county board of supervisors, or the governing body of the city, if in their discretion such officers are necessary and shall be paid out of the county or city treasury. Two or more counties, or a city of the first class and a county, may unite in providing for a local superintendent of public welfare, and the expenses incident to such employment may be divided in such manner as they may agree upon.

Section 15. Each county and city superintendent of public welfare shall be the executive officer of the board appointing him. Before entering upon the discharge of his duties, every such superintendent shall take the usual oaths of office before the court which appointed his board, or the judge thereof in vacation, and shall also enter into bonds with surety to be approved by the court or judge, in such sum as the court or judge may fix, conditioned upon the faithful discharge of his duties. Every such superintendent is hereby vested with the powers of a police officer or constable. Under the supervision, control and direction of such local board, and in co-operation with other public and private agencies, he shall have power, and it shall be his duty:

- (a) To have the care and supervision of the poor and to administer the funds now administered by the overseers of the poor.
- (b) To administer mothers' aid funds, if any, in accordance with the provisions of State law.
- (c) Under direction of the State board of public welfare, to look after and supervise the conditions of persons paroled from hospitals for the insane and colonies for the epileptic and feeble-minded, and from other State institutions.
- (d) To act as the agent of the State board in relation to any work to be done by said board within the county or city.
- (e) To have oversight of persons in the county or city released on probation or on parole from the penitentiary, reformatories, industrial schools and all paroled prisoners in the county or city.

(f) Under direction of the State board to have supervision of dependent children placed in the county or city by the State board.

(g) To assist the State board in finding employment for the

unemployed.

(h) To investigate the causes of distress, under the direction of the State board, and to make such other investigations as the State board may direct.

(i) To act as chief probation officer for the county or city, and as such to enforce and administer the probation laws within the

county or city.

(j) To foster co-operation and intelligent division of work between all public and private charitable and social agencies in the county or city to the end that public resources and charitable donations may be conserved and the needs of the county or city be ade-

quately cared for.

The records of the cases handled and business transacted by the local superintendent shall be kept in such manner and form as may be prescribed by the State board of public welfare. He shall each year prepare and keep on file a full report of his work and proceedings during the year, and shall file one copy of such report with the county clerk, or the clerk of his corporation or hustings court, and another with the State board of public welfare.

Section 16. Sections eighteen hundred and eighty-eight to nineteen hundred and two, inclusive, of the Code of Virginia are hereby

repealed.

CHAP. 106.—An ACT to validate, ratify, approve and confirm certain bonds issued by the town of St. Paul, in Wise county, the ordinances and acts of the town council relative to said bonds, and the election held in the said town on June 14, 1921, submitting the question of the bond issue to the qualified voters thereof.

[H B 295]

### Approved February 28, 1922.

Whereas, on the third day of May, one thousand nine hundred and twenty-one, the town council of the town of Saint Paul, in Wise county, pursuant to law adopted an ordinance reciting the expediency of borrowing sixty-five thousand dollars (\$65,000) and issuing bonds for the same, the money to be used in providing the town with a complete water system and adequate supply of water: that in pursuance of said ordinance, the judge of the circuit court of Wise county, in vacation, ordered an election to be held in the said town on the fourteenth day of June, nineteen hundred and twentyone, at which time there was submitted to the qualified voters thereof the question of the said bond issue and at which said election the bond issue carried by a large majority; that on September first, one thousand nine hundred and twenty-one, the town of Saint Paul, pursuant to its ordinances, the orders of the circuit court of Wise county, and the general law, issued its one hundred and thirty coupon bonds, payable twenty years after date, for the sum of five hundred

dollars (\$500) each with interest from date at the rate of six per centum per annum, payable semi-annually; and,

Whereas, some question has arisen as to the validity of the said

ordinances and bonds; now therefore,

- 1. Be it enacted by the general assembly of Virginia, That the said ordinances of the town of Saint Paul, relative to said bond issue and the issuance of said bonds, all of the acts of the said council in connection therewith, the acts of the election officers and the election held in said town on June fourteenth, one thousand nine hundred and twenty-one, be and the same are hereby validated, approved, ratified and confirmed; and that the sixty-five thousand dollars (\$65,000) of bonds as authorized and provided for in said ordinances, and authorized by said election, be and the same are hereby validated, ratified, approved and confirmed, and the said bonds so authorized and issued are hereby made and declared to be valid and binding obligations of the said town of Saint Paul.
- 2. It appearing that the town of Saint Paul is in urgent need of money to be derived from the sale of the said bonds to complete its water system, an emergency is declared to exist and this act shall be in force from its passage.

CHAP. 107.—An ACT authorizing the school board of Jerusalem school district, in the county of Southampton, to borrow money, not to exceed \$25,000, for the purpose of paying off the existing indebtedness of said district.

[H B 2991]

## Approved February 28, 1922.

1. Be it enacted by the general assembly of Virginia, That the school board of Jerusalem school district in the county of Southampton be authorized and empowered to borrow money, not to exceed twenty-five thousand dollars, the proceeds of such loan to be used in

paying off the existing indebtedness of said district.

2. The said loan shall be effected by issuing the bonds of the said school district, signed by the chairman and the clerk of the said board; they shall be in denominations of one hundred dollars and multiples thereof; they shall bear interest at a rate not exceeding six per centum per annum, interest coupons attached, payable January first of each year; and they shall be made to mature at the end of thirty years from their date, but redeemable earlier at the option of said board. The said bonds shall be a lien on all the taxable property in said district and shall be in form as follows:

Know all men by these presents, That the school board of the Jerusalem school district of the county of Southampton, Virginia, is justly indebted to and promises to pay \_\_\_\_\_\_, or order, the sum of \_\_\_\_\_dollars, bearing interest at the rate of six per centum from date, payable annually on the first day of January of each year, on surrender of the proper interest coupons hereto attached, until said principal sum shall be paid in full. This bond is



non-taxable for county and district purposes, with right of the said school board at any time after twelve months from the date of this bond, upon giving thirty days' notice in writing to the holder thereof, to call in and pay off the same, interest thereon to cease from and after the expiration of such notice.

In testimony whereof, the said school board of said Jerusalem school district, has caused the corporate seal of the same to be affixed, and these presents to be signed by its chairman and attested by its clerk, this the\_\_\_\_\_day of\_\_\_\_\_, nineteen hundred and\_\_\_\_\_.

3. The said board shall have full power to negotiate the said bonds through an agent or by such other method as in its discretion may seem best; provided, however, that the said bonds shall be so

negotiated for no less than their normal or par value.

4. After issuing the bonds, or any of them, provided for in this act, when the first levy is made by the board of supervisors a tax shall be levied on all property subject to local taxation in said district, to pay interest on the bonds so issued and to create a sinking fund to redeem the principal thereof at maturity; and from year to year such levies shall be made on such property in said district until such debt, together with the interest thereon, is paid, the said levy to be made upon the recommendation of the said school board.

5. An emergency existing, this act shall be in force from its

passage.

CHAP. 108.—An ACT authorizing the school board of Kinderhook school district, in the county of Washington, to borrow money, not to exceed \$15,000, for the purpose of paying off the existing indebtedness of said district.

[H B 204]

# Approved February 28, 1922.

1. Be it enacted by the general assembly of Virginia, That the school board of Kinderhook school district in the county of Washington, be authorized and empowered to borrow money, not to exceed fifteen thousand dollars, the proceeds of such loan to be used in

paying off the existing indebtedness of said district.

2. The said loan shall be effected by issuing the bonds of the said school district, signed by the chairman and the clerk of the said board; they shall be in denominations of one hundred dollars and multiples thereof; they shall bear interest at a rate not exceeding six per centum per annum, interest coupons attached, payable January first of each year; and they shall be made to mature at the end of thirty years from their date, but redeemable earlier at the option of the said board. The said bonds shall be a lien on all the taxable property in said district and shall be in form as follows:

Know all men by these presents, That the school board of the Kinderhook school district of the county of Washington, Virginia, is justly indebted to and promises to pay \_\_\_\_\_\_, or order, the sum of\_\_\_\_\_\_dollars, bearing interest at the rate of six per centum from date, payable annually on the first day of January of each year, on surrender of the proper interest coupons

hereto attached, until said principal sum shall be paid in full. This bond is non-taxable for county and district purposes, with right of the said school board at any time after twelve months from the date of this bond, upon giving thirty days' notice in writing to the holder thereof, to call in and pay off the same, interest thereon to cease from and after the expiration of such notice.

In testimony whereof, the said school board of said Kinderhook school district, has caused the corporate seal of the same to be affixed, and these presents to be signed by its chairman and attested by its clerk, this the\_\_\_\_\_day of\_\_\_\_\_, nineteen hundred and\_\_\_\_\_,

3. The said board shall have full power to negotiate the said bonds through an agent or by such other method as in its discretion may seem best; provided, however, that the said bonds shall be so

negotiated for no less than their normal or par value.

- 4. After issuing the bonds, or any of them, provided for in this act, when the first levy is made by the board of supervisors a tax not in conflict with the general law shall be levied on all property subject to local taxation in said district, to pay interest on the bonds so issued and to create a sinking fund to redeem the principal thereof at maturity; and from year to year such levies shall be made on such property in said district until such debt, together with the interest thereon, is paid, the said levy to be made upon the recommendation of the said school board.
- 5. An emergency existing, this act shall be in force from its passage.



CHAP. 109.—An ACT to amend and re-enact an act of the general assembly of Virginia, approved March 3, 1900, and in force from its passage, entitled an act to provide a new charter for the city of Charlottesville and to repeal all acts inconsistent therewith; and also to amend and re-enact an act of the general assembly of Virginia, approved March 14, 1908, entitled an act to amend and re-enact and act of the general assembly of Virginia, approved March 3, 1900, and in force from its passage, entitled an act to provide a new charter for the city of Charlottesville, and to repeal all acts inconsistent therewith, and to repeal all acts or parts of acts inconsistent with this act; and also to amend and re-enact an act of the general assembly of Virginia approved March 25, 1914, entitled an act to amend and re-enact an act of the general assembly of Virginia, approved March 14, 1908, entitled an act to provide a new charter for the city of Charlottesville, and to repeal all acts inconsistent therewith, and to repeal all acts or parts of acts inconsistent with this act; and also to amend and re-enact an act entitled an act to amend and re-enact an act of the general assembly of Virginia, approved March 3, 1900, and in force from its passage, entitled an act to provide a new charter for the city of Charlottesville, and to repeal all acts inconsistent therewith; and also to amend and re-enact an act entitled an act to provide a new charter for the city of Charlottesville, approved March 14, 1908, which was approved March 16, 1820, and in force from is passage; to make this act effective as of March 16, 1920; to declare it retroactive; to validate the acts of the city of Charlottesville, its public officials, officers and agents under and by virtue of the said act, approved March 16, 1920; and to repeal all acts or parts of acts inconsistent with this act.

#### Approved February 28, 1922.

Whereas there is a question as to whether or not chapter two hundred and eight of the acts of the general assembly of Virginia, A. D., nineteen hundred and twenty, entitled an act to amend and re-enact an act of the general assembly of Virginia, approved March third, nineteen hundred, and in force from its passage, entitled an act to provide a new charter for the city of Charlottesville, and to repeal all acts inconsistent therewith; and also to amend and re-enact an act entitled an act to provide a new charter for the city of Charlottesville, approved March fourteenth, nineteen hundred and eight, is a valid enactment of the general assembly of Virginia, by reason of the fact that there were only sixty-six votes in the affirmative when said act was put upon its final passage in the House of Delegates, section one hundred and seventeen of the Constitution of Virginia, requiring a two-thirds vote of the members elected to each house; and

Whereas said act was accepted by the city of Charlottesville to be its charter and its public officials, officers, agents and employees have under and by virture thereof done many acts within the apparent scope of their authority, agency and employment, the validity of

which may hereafter be questioned; now, therefore,

Section 1. Be it enacted by the general assembly of Virginia, that an act of the general assembly of Virginia, approved March third, nineteen hundred, entitled an act to provide a new charter for the city of Charlottesville and to repeal all acts inconsistent therewith; and also an act of the general assembly of Virginia, approved March fourteenth, nineteen hundred and eight, and entitled an act to amend and re-enact an act of the general assembly of Virginia, approved

March third, nineteen hundred, and in force from its passage, entitled an act to provide a new charter for the city of Charlottesville and to repeal all acts inconsistent therewith, and to repeal all acts or parts of acts inconsistent with this act; and also an act of the general assembly of Virginia, approved March twentyfifth, nineteen hundred and fourteen, entitled an act to amend and reenact an act of the general assembly of Virginia, approved March fourteenth, nineteen hundred and eight, entitled an act to provide a new charter for the city of Charlottesville, and to repeal all acts inconsistent therewith, and to repeal all acts or parts of acts inconsistent with this act; and also an act of the general assembly of Virginia, approved March sixteenth, nineteen hundred and twenty, entitled an act to amend and re-enact an act of the general assembly of Virginia, approved March third, nineteen hundred, and in force from its passage, entitled an act to provide a new charter for the city of Charlottesville, and to repeal all acts inconsistent therewith; and also to amend and re-enact an act entitled an act to provide a new charter for the city of Charlottesville, approved March fourteenth, nineteen hundred and eight, be amended and re-enacted so as to read as follows:

Section 2. That so much of the land as lies and is contained within the following boundaries, beginning at a point at the intersection of the northerly line of the right-of-way of the Southern railway company and the western line of Jefferson Park avenue, or Fry springs road, thence along the northern line of said Southern railway's rightof-way line north seventy-one degrees twelve minutes east one thousand four hundred and fifty-four feet to a stake, thence north seventyone degrees forty-nine minutes east one thousand nine hundred and eighty-seven feet to a stake (leaving out the right-of-way of the Southern railway), thence crossing the right-of-way of said Southern railway south one degree thirty-nine minutes east three hundred and thirty-six feet, to a cast iron monument in the south side of Grove street in Fifeville (this being an old city monument), thence south forty-three degrees ten minutes east one hundred eighty-one and nine-tenths feet to a concrete monument in L. H. Bingler's back yard, thence south twenty-nine degrees thirty minutes east, three thousand eight hundred and ninety-three and one-tenth feet to a stake near rock out-crop at the south end of Ridge street one hundred and thirty feet east of the line of said Ridge street, thence south seventy-five degrees fifty-one minutes east, three thousand three hundred twenty-seven and two-tenths feet to a pipe in the alley south of Belmont park, sixty-three feet west of Rialto street line; thence north sixty-six degrees fifty-nine minutes east, three thousand one hundred twenty-six and nine-tenths feet to a stake in the property of J. P. Burke near the northwest corner of said property east of Monticello road; thence north sixtythree degrees forty minutes east, one thousand three hundred twentyfour and two-tenths feet to a stake in the north edge of embankment of Chesapeake and Ohio railway, sixty-six and five-tenths feet west of Chesapeake and Ohio railway division sign; thence north thirty degrees twenty-two minutes east, three thousand seven hundred

and thirty-eight feet to an iron pipe in the south side of Free Bridge road; thence north twelve degrees forty minutes east, three thousand six hundred twenty-three and seven-tenths feet to an iron pipe in the north end of Locust Grove avenue at John A. Smith's gate; thence south eighty-three degrees ten minutes west, three thousand one hundred and forty-four feet to a stake in west side of Rio road; thence north forty-seven degrees twenty-six minutes west, six hundred and fifty-eight feet to a stake near gate-post in E. Bradbury's yard; thence north forty-six degrees eighteen minutes west, eight hundred and fourteen feet to a stake in the east fence of private road of M. Mason about two hundred feet north of Rugby avenue; thence north fifty-three degrees twenty-five minutes west, one thousand one hundred thirty-eight and seven-tenths feet to a stake on north side of new Southern railway cut about two hundred feet from Rugby avenue; thence parallelling said Rugby avenue two hundred feet therefrom, north seventy-eight degrees eleven minutes west, four thousand four hundred thirty-one and three-tenths feet to a stake two hundred feet west of Old Barracks road in the Rosser property; thence south ten degrees forty minutes west, paralleling Rugby road and two hundred feet therefrom, one thousand one hundred nine and two-tenths feet to a stake opposite gate posts of entrance to Rosser property; thence north seventy-two degrees forty nine minutes west, one thousand one hundred ninety-six and three-tenths feet to a stake in fence between Dabney and Moore properties; thence south fifty-six degrees fifty-five minutes west, two thousand five hundred ninetythree and seven-tenths feet to a stake near the westport of Massey's gate on north side of Ivy road; thence south twelve degrees fifty-three minutes west, three thousand five hundred and thirty-nine feet to a stake in the north side of the Lynchburg road, the following courses, forty-three degrees forty-three minutes west, one hundred and ninetyseven and six-tenths feet to a stake; south fifty-two degrees fifty-five minutes west, five hundred and eighty-eight and four-tenths feet to stake; south fifty-four degrees thirty-seven minutes west, three hundred and twenty-five feet to stake; south forty-eight degrees fifty minutes west, one hundred feet to stake; south fifty-five degrees fortythree minutes, eighty-five feet to stake; south sixty-one degrees thirty-five minutes west, one hundred and eighty feet to stake; south seventy-three degrees fifty-five minutes west, one hundred and fiftyfive feet to stake; south eighty-seven degrees sixteen minutes west, one hundred feet to stake; north eighty-two degrees twenty-one minutes west, one hundred and forty-three feet to stake; north seventytwo degrees sixteen minutes west, one hundred and sixty-eight feet to stake; south eighty-two degrees eighteen minutes west, one hundred and sixty-nine feet to stake; thence south twenty-two degrees fifty-five minutes east, crossing Lynchburg road one hundred and sixty-five feet to a stake in the west line of Maury avenue; thence along said Maury avenue the following courses, south eleven degrees fifty-three minutes east, sixty feet to a stake; south no degrees thirtyeight minutes west, two hundred and eighty feet to stake; south

forty-three degrees thirty-three minutes east, four hundred two and one-tenth feet to a stake; south sixteen degrees forty-one minutes east, two hundred seventy and three-tenths feet to stake; south no degrees eight minutes east, three hundred thirteen and three-tenths feet to the place of beginning, shall be and is, hereby made the city of Charlottesville; and the inhabitants of the city of Charlottesville for all purposes for which towns and cities are incorporated in this Commonwealth, shall continue to be one body, politic in fact and in name, under the style and denomination of the city of Charlottesville, and as such shall have all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations now incumbent and pertaining to said city as a municipal corporation; and by that name may sue and be sued, and be subject to all the provisions of the Code of Virginia, except so far as may be herein otherwise provided.

Section 3. The said city shall be divided into wards as now constituted, but the number of wards may be hereafter increased or diminished and the boundaries thereof changed by the city councils as auth-

orized by law.

Section 4. The municipal authorities of the said city shall consist of a mayor, four aldermen, and eight common councilmen unless and until this form be changed in a manner prescribed by law, a clerk of the corporation court, a Commonwealth's attorney, a treasurer, a sergeant, a commissioner of the revenue, a police justice, a justice of the peace, a constable, who shall be elected by the qualified voters of the city of Charlottesville at elections held at the intervals and on the days prescribed for such elections by the laws of the State, all persons who are qualified voters of the city of Charlottesville shall be eligible to any of the said offices. The terms of office of all of said officers shall begin and continue for such length of time as is prescribed by the general law; provided, that any one of said officers shall be eligible to one or more offices to be filled by the council—that is to say, that any officer elected by the people may hold the office to which he was elected as well as one or more offices to which he may be elected or appointed by the council.

Section 5. The aldermen and common council, sitting as separate bodies, except when called in joint session, shall constitute and be known as the councils of said city, and all the corporate powers of said city shall be exercised by said councils, or under their authority,

except when otherwise provided.

Section 6. There may be elected by the councils, in joint session, a city manager and such officers and clerks as said councils may deem proper and necessary, and any one or more of said offices may be held and exercised by the same person. The officers herein mentioned shall be elected or appointed by the council on the first day of September, nineteen hundred and twenty, or as soon thereafter as practicable, and biennially thereafter, except when elected to fill a vacancy (which may be done by the councils), in which case the election shall be for the unexpired terms. But no office or offices not specifically provided for in this charter shall be created except by a



[VA.

vote of two-thirds of all the members elected to the councils in joint meeting assembled.

It may be competent for the councils, in order to secure the services of a suitable person, to elect non-residents, but each officer

shall reside in the city during his tenure of office.

Section 7. The mayor, aldermen, councilmen, and other officers elected by the people shall each, before entering upon the duties of their offices, take the oaths prescribed for all other officers by the laws of Virginia, and qualify before the corporation court of said city, or the judge thereof in vacation, and in the cases of the mayor, aldermen and councilmen a certificate of such oaths having been taken, shall be filed by them, respectively, with the clerks of the common council and the board of aldermen, who shall enter the same upon the journals thereof; but if any or either of said officers shall fail to qualify, as aforesaid, for ten days after the commencement of the term for which he, or they, were elected, or shall neglect for a like space of time to give such bond as may be required of him, his office or their offices shall be deemed vacant.

Section 8. Whenever, from any cause, a vacancy shall occur in the office of mayor, it shall be filled by the councils and a vacancy in the office of aldermen, councilmen, president or vice-president of the council, the same shall be filled by the body involved at its next regular meeting from its own body or from the qualified electors of said city, and the officer thus elected shall hold his office for the term for which his predecessor was elected, unless sooner vacated by death, resignation, removal, or from other causes; provided, that in case of an alderman or councilman, he shall be taken from the ward in which he is a voter. An entry of said election shall be made in the record book. If the mayor of said city shall remove from the city limits, or an alderman or councilman shall remove from the ward which he represents, such removal shall operate to vacate his office.

Section 9. At its first meeting in September, nineteen hundred and twenty, and biennially thereafter, the board of aldermen and the common council, each for itself, shall elect one of its members to act as president, who shall preside at its meetings and continue in office two years. Or if a vacancy occur in the office before the end of his term, such vacancy shall be filled as provided in section eight.

At the same time the board of aldermen and the common council shall, each for itself, elect one of its members to be a vice-president, who shall preside at such meetings in the absence of the president, and who, when the president shall be absent or unable to perform the duties of his office, by reason of sickness, or other cause, shall perform any and all duties required of, or entrusted to, the president, and when for any cause, both the president and the vice-president shall be absent from any meeting, a president pro tempore shall be elected who shall preside. The president or the vice-president, when authorized, as above stated, to act, shall have power at any time to call a meeting; and in case of absence, sickness, disability or refusal to act of both the president and the vice-president, the body may be



convened by the order in writing of any two members addressed to its clerk.

Section 10. Three aldermen shall constitute a quorum for the transaction of business at any meeting of that body, and five councilmen shall constitute a quorum of the common council.

Section 11. The president, vice-president, or president pro tempore, as the case may be of either body, shall be entitled to a vote on all questions as any other member, but in no case shall be entitled to a second vote on any question, though it be necessary to break a tie—that is to say, his office shall not entitle him to a vote.

Section 12. The board of aldermen and the common council, each for itself, shall have authority to adopt such rules and to appoint such officers and clerks as it may deem proper for the regulation of its proceedings, and for the convenient transaction of business, to compel the attendance of absent members, to punish its members for disorderly behavior, and by vote of two-thirds of all the members elected to it, expel a member for malfeasance or misfeasance in office. Each body shall keep a journal of its proceedings, and its meetings shall be open, except when, by a recorded vote of two-thirds of those members present, it shall declare that the public welfare requires secrecy. Each body shall also require to be kept by its clerk a separate book, termed "the general ordinance book," in which shall be recorded all ordinances and resolutions of a general and permanent character, properly indexed and opened to the public inspection. Other documents or papers in the possession of the clerk of the council or the clerk of the board of aldermen which may affect the interest of the city shall not, without special order of the body, its president or vice-president, be exhibited, nor copies thereof furnished to other persons than the committees or city officials entitled thereto.

Section 13. At each regular meeting of the board of aldermen and the common council the proceedings of the last regular meeting and all intervening called meetings, shall be read, and thereupon be corrected, if erroneous, and signed by the person presiding for the time being.

Upon the call of any member the ayes and noes shall be recorded

in the journal.

Section 14. The councils of the city shall have power within said city to control and manage the fiscal and municipal affairs of the city and all property, real and personal, belonging to said city; they shall have power to provide a revenue for the city, and approximate the same to its expenses, also to provide the annual assessments of taxable persons and property in the city, and it may make such ordinances, orders, and by-laws relating to the foregoing powers of this section as it shall deem proper and necessary. They shall likewise have power to make such ordinances, by-laws, orders and regulations as it may deem desirable to carry out the following powers which are hereby vested in them:

First. To close, extend, widen, narrow, lay out, grade, improve and otherwise alter streets and public alleys in the said city, and have

them properly lighted and kept in good order, and it may make or construct sewers or ducts through the streets or public grounds of the city, and through any place, or places whatsoever, when it may be deemed expedient by the said councils. The land included in any street that is closed shall revert to the abutting owners on either side of the same, each receiving one-half thereof. That is, the new line of each abutter shall be the middle of the former street. The said councils may have over any street or alley in the city which has been, or may be ceded to the city, like authority as over other streets or alleys, and may prevent or remove any structure, obstruction or encroachment over, or under, or in a street or alley, or any sidewalk thereof.

Second. To prevent the cumbering of the streets, avenues, walks, public squares, lanes, alleys, or bridges in any manner whatsoever; to compel the occupant or owner of buildings or grounds to remove snow, dirt or rubbish from the sidewalks in front thereof.

Third. To extinguish and prevent fires, prevent property from being stolen, and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department for said city; to regulate the size of materials, and construction of buildings hereafter erected, in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure, or addition thereto which, by reason of delapidation, defect of structure, or other causes, may have, or shall, become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick or iron.

Fourth. To regulate and prescribe the breadth of tires upon the wheels of wagons, carts, and vehicles of every kind and description

used upon the streets of said city.

Fifth. To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, prevent the introduction or spreading of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits, and to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the appointment and organization of a board of health or other board to have the powers of a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the police officers of the city have; to regulate the burial, cremation, or disposition of the dead; to compel the return of births and deaths to be made to its health department, and the return of all burial permits to such department.

Sixth. To acquire by purchase, condemnation, or otherwise, either within or without the city, lands to be appropriated, improved and

kept in order as places for the interment of the dead, and may charge for the use of the grounds in said places of interment, and may regulate the same; to prevent the burial of the dead in the city, except in public burying grounds; to regulate burials in said grounds; to require the keeping and return of bills of mortality by the keepers (or owners) of all cemeteries, and shall have power to acquire by purchase, condemnation, or otherwise, according to law, such lands, and in such quantity as it may deem proper or necessary for the purpose of burying the dead.

Seventh. To establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the said councils may see fit, subject to the

laws of the State, and of the United States.

Eighth. To require and compel the abatement and removal, of all nuisances within the said city, or upon any property owned by said city, without its limits, at the expense of the person or persons causing the same, or the occupant or owner of the ground whereon the same may be; to prevent and regulate slaughter houses, and soap and candle factories within said city, or the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust; to regulate the location of stables, and the manner in which they shall be constructed and kept.

Ninth. If any ground in the said city shall be subject to be covered by stagnant water, or if the owner or occupant thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the said councils may cause such ground to be filled up, raised, or drained, or may cause such substance to be covered or removed therefrom, and may collect the expense of so doing from the said owner or occupant by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected; provided, that reasonable notice shall be first given to the said owner or occupant or his agent. In case of non-resident owners, who have no agent in said city, such notice may be given by publication for not less than ten days, in any newspaper published in said city, such publication to be at the expense of said owner, and cost thereof to be collected as a part of the expense hereinbefore provided for.

Tenth. To direct the location of all buildings for storing gunpowder or other explosive or combustible substance; to regulate or prohibit the sale and use of dynamite, gunpowder, fire-crackers, kerosene oil, gasoline, nitro-glycerine, camphene, burning fluid, and all explosive or combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles and lights in barns, stables and other buildings, the making of bonfires and the carrying

of concealed weapons.

Eleventh. To prevent the running at large in said city of all animals and fowls, and to regulate and prohibit the keeping or raising

of the same within said city, and to subject the same to such confiscation, levies, regulations and taxes as it may deem proper.

Twelfth. To prevent the riding or driving of animals at improper speed, to regulate the speed and manner of use upon the streets of said city of all animals or vehicles; to prevent the flying of kites, throwing of stones, or the engaging in any employment or sport in the streets or public alleys, dangerous or annoying to the public, and to prohibit and punish the abuse of animals.

Thirteenth. To restrain and punish drunkards, vagrants, medi-

cants and street beggars.

Fourteenth. To prevent vice and immorality; to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame, and gambling houses, to prevent lewd, indecent or disorderly conduct or exhibitions in the city, and to expel from said city persons guilty of such conduct.

Fifteenth. To prevent, prohibit or regulate the coming into the city from points either within, or beyond the limits of the State, of paupers or persons having no ostensible means of support, or persons who may be dangerous to the peace or safety of the city; and for this purpose may require any railroad company, or the owners of any conveyances bringing any such person to, or leaving him in said city, to enter into bond with satisfactory security, that such person shall not become chargeable to the city within one year from the date of his arrival, or may compel such company, or owner, to take any such person back to the city whence he was brought, and may compel any such person to leave the city, if he has not been in the city more than ninety days before the order is given.

Sixteenth. And the said councils shall also have power to make such other and additional ordinances as they may deem necessary for the general welfare of said city; and nothing herein contained shall be construed to deprive said city of any of the powers conferred upon it, either by general or special laws of the State of Virginia, except in so far as the same may be inconsistent with the provisions of this charter.

Seventeenth. Said councils shall have power to require and take from the city's chief of police, treasurer, auditor, commissioner of the revenue, and all other bonded officers, bonds with security and in such penalty as they may see fit, which said bonds shall be made payable to the city by its corporate name, and conditioned for the faithful discharge of their duties; and bonds shall be entered on the record of the councils and shall be filed with the clerk of the corporation court of the city.

Eighteenth. Said councils shall have power to erect, or authorize or prohibit the erection of gas works, waterworks, or electric light works in or near the city, and to regulate the same.

Nineteenth. To prohibit the pollution of water which may be

provided for the use of the city.

Twentieth. To pass all by-laws, rules and ordinances, not repugnant to the Constitution and laws of the State, which they may deem necessary for the good order and government of the city, the manage-

ment of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property, including authority to keep a city police force; and to do such other things, and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is, or shall be granted to, or vested in said city, or in the councils, court or officers thereof, or which may be necessarily incident to a municipal corporation; and to enable the authorities of said city more effectually to enforce the provisions of this section, and any other powers conferred upon them by this charter, their jurisdiction, civil and criminal, is hereby declared to extend one mile beyond the corporate limits of said city.

Twenty-first. To create a floating debt not exceeding one hundred thousand dollars when, by a vote of three-fourths of the total membership of the board of aldermen and three-fourths of the total membership of the common council, the councils have passed a resolution declaring it expedient to do so, and when the creating of the floating debt thereby provided for is for the purpose of installing, or extending, one or more public utilities, which shall constitute an asset, or assets, at least equal in value to the amount expended thereon, which utility, or utilities, shall materially add to the service rendered by the city to its taxpayers and other citizens; and it shall be the duty of the councils to provide in the next bond issue for the bonding of the floating debt thus created, and failure to do this shall suspend this clause.

Section 15. Local assessments upon abutting land owners for making and improving the sidewalks upon the streets and improving and paving the alleys, and for either the construction or for the use of sewers, may be imposed not in excess of the peculiar benefits resulting therefrom to such abutting landowners. And the same shall

be regulated as prescribed by the general law.

To carry into effect the powers herein enumerated, Section 16. and all other powers conferred upon said city and its councils by the laws of Virginia, said councils shall have power to make and pass all proper and needful orders, by-laws, and ordinances not contrary to the Constitution and laws of said State, and to prescribe reasonable fines and penalties, including imprisonment in the city jail for a period not exceeding six months, and for the enforcement of the collection of fines, to impose imprisonment for a period not exceeding ninety days, which fines, penalties or imprisonment shall be imposed, recovered and enforced by and under the police justice, or any alderman or . councilman of said city. The city may maintain a suit to restrain, by injunction, the violation of any ordinance, notwithstanding such ordinance may provide punishment for its violation. And the authorities of said city may, in accordance with the contract between the councils of said city and the county of Albemarle, continue to use the jail of said county for any purposes for which the use of a jail may be needed by them, under the acts of the councils or of the State of Virginia; provided, however, that in all cases where a fine or



imprisonment is imposed by the police justice, any alderman or councilman, or by the councils, the party or parties so fined or imprisoned shall have the right of appeal to the corporation court of said city. All fines imposed for the violation of the city charter, by-laws, or

ordinances, shall be paid into the city treasury.

Section 17. Each alderman and councilman, and the police justice of said city, for the time being, are declared to be, and are hereby, constituted conservators of the peace within said city, and within one mile from the corporate limits thereof, and shall have all the powers and authority, in civil, as well as in criminal cases, as justices of the peace. And the chief of police and the policemen of the city shall also be conservators of the peace within the limits aforesaid, and all proper arrests may be made and warrants of arrest executed by such chief of police and policemen.

Section 18. The councils shall cause to be made up annually, and entered upon its journal an accurate estimate of all sums of money which are or may become lawfully chargeable on said city, and which ought to be paid in one year; the said council shall order a city levy of so much money as in its discretion shall be sufficient to meet all just demands against the corporation, such levy not to exceed the

rate provided by law.

Section 19. The levy so made shall be laid on all male persons who are residents of said city over twenty-one years of age, upon dogs, and upon all personal and real estate within said city, except such persons, personal and real estate as are exempt from taxation under the laws of this State, and also upon all other such subjects within said city as may at the time be assessed with State taxes; provided, however, that the tax on real estate and personal property, including choses in action, shall not exceed in any one year one dollar and twenty-five cents on every hundred dollars value thereof; and provided, also, that lands while used for agricultural or grazing purposes included in this charter, at the time they are taxed, may be assessed for incorporation purposes at a lower rate.

But nothing contained in this section, as hereby amended, shall limit or restrict the power of the city councils to levy such additional taxation as they may deem necessary for the use and benefit of the city; provided, such additional taxation shall be authorized and sanctioned by a vote of the qualified voters of said city, in the mode and manner prescribed in section twenty-four of this charter, or be authorized by the councils by a vote equal to at least two-thirds of the total membership of each body. Provided, that nothing in this section shall be construed to repeal or amend any general law of the

State now in effect.

Section 20. License taxes may be imposed by ordinance on businesses, trades, professions, and callings and upon the persons, firms, associations and corporations, engaged therein and the agent thereof, except in cases where taxation by the localities shall be prohibited by the general law of the State, and nothing herein shall be construed to repeal, or amend any general law with respect to taxation.



And this right to require a license and impose a tax thereon shall apply to all persons who use the streets of the city for delivery wagons; provided, that the license tax paid by any merchant to the city of Charlottesville shall, if the councils consent, be in lieu of any

tax on a delivery wagon used by him in said city.

And said council may also grant or refuse license to owners or keepers of wagons, drays, carts, hacks, and other wheeled vehicles kept or employed in said town for hire or as carriers for the public, may prescribe a schedule of charges for their services, and may require the owners of such wagons, drays, carts, and so forth, using them in the city, to take out a license therefor, and require taxes to be paid thereon, and subject same to such other regulations as they may deem proper.

Section 21. The revenue from these and other sources shall be collected, paid over, and accounted for at such times and to such persons as the councils shall order, and pursuant to such ordinance as now exists or may hereafter be passed by the councils. The city

treasurer shall be the custodian of all the funds of the city.

Section 22. The councils shall require the treasurer of the said corporation to make out a quarterly report of the receipts and expenditures, together with a balance sheet of said city for the preceding quarter, which report shall state on what account the expenditures were made, and from what source or sources the receipts were derived, which report when approved by the councils, or in such manner as the councils may direct, shall be published in one or more newspapers of the city on or before the twentieth day of December, March, June and September of each year.

Section 23. The councils of said city of Charlottesville are hereby authorized to make and issue the registered or coupon bonds of said corporation, payable not exceeding forty years after their date, bearing interest at not more than five per centum per annum, payable semi-annually; said bonds to be used exclusively in paying off and discharging the principal and interest of the present bonded debt of the corporation of Charlottesville. The said councils shall not be authorized to dispose of such bonds at less than par value, except by a recorded affirmative vote of three-fourths of all the members elected to the councils. Said registered and coupon bonds shall be regularly numbered, signed by the mayor, clerk, and treasurer of the city, and recorded in a book kept for that purpose.

Section 24. To provide for the payment of the bonded debt of the city there shall be set apart annually by the councils from the revenues of the city such sum as will be sufficient to meet each issue of bonds, either heretofore or hereafter issued, as the same shall become due, except that for any issue of bonds a definite amount of which is payable annually and known as serial bonds no sum shall be so provided; but for such serial bonds the councils shall make in their annual budget definite provision for their payment. The fund thus set apart shall be paid in two equal installments on the first day of January and the first day of July of each year, to the sinking fund

commissioners hereafter designated, and shall, together with the accretions thereto arising from interest on investments, etc., be known as the sinking fund, and be held sacred for the payment of the debt of the city as it shall become due; and if no part of said debt be due or payable, said fund shall be invested in the bonds or certificates of debt of said city, or of this State, or the United States, or of some State of this Union, or any other bonds the sinking fund commissioners may deem a safe investment; said fund shall, in the hands of the treasurer, as to all questions of investments, purchase or sale within the limitations of this section, be subject to the orders and management of the mayor, presidents of the board of alderman and the common council, chairman of the finance committee of the councils, auditor, and treasurer, who together shall compose the sinking fund commission.

Section 25. The councils of said city may negotiate any loan or loans for the purpose of improving the streets, lighting the same, buying necessary real estate, erecting public buildings, supplying the city with water, sewerage, and for other purposes; and shall have authority to issue registered and coupon bonds for the said loan or loans, payable not more than forty years after the date of said bonds, and said bonds shall bear interest at a rate not greater than five per centum, payable semi-annually; provided, that the councils shall not negotiate such loan or loans, and issue bonds therefor, for sums which when added to the debt of the city then existing, shall cause the total indebtedness of the city to be greater than eighteen per centum of the assessed valuation of the real estate of the city subject to taxation, as shown by the last preceding assessment for taxes; provided, however, that in determining the limitation of the power of the city to incur indebtedness, there shall not be included the classes of indebtedness mentioned in subsection a and b of section one hundred and twenty-seven of the Constitution of the State; and provided, further, that such bonds are authorized by an ordinance enacted in accordance with section one hundred and twenty-three of the Constitution of Virginia, and approved by the affirmative vote of a majority of the qualified voters of the city who vote upon the question of their issuance (affirmative vote shall include a majority of the votes cast by taxpayers at such election), to be ascertained at a general election or at a special election held for that purpose; said special election, if one be held, to be ordered by the council, and to be conducted in accordance with the law of the State of Virginia, regarding election by the people. But no election touching the question shall be held until notice thereof has been given by publication for four successive weeks in one or more newspapers published in said city, and recorded in a book to be kept for that purpose.

Section 26. The rights of the city in its gas, water and electric works and sewer plant, now owned, or hereafter acquired, shall not be sold even after such action of the councils as is prescribed by section ten hundred and thirty-three-e of the Code of Virginia of nineteen hundred and four, until and except such sale shall have been



approved by a majority of the qualified voters of the city, voting on the question at a special election ordered by the councils and subject in other respects to the provisions of section twenty-five of this

charter applicable to a special election.

Section 27. The city sergeant shall attend the terms of the corporation court of said city and shall act as the officer thereof; the said sergeant may, with the approval of the said court, appoint one or more deputies, who may be removed from office by the sergeant or the said court, and may discharge any of the duties of the office of sergeant, but the sergeant and his sureties shall be liable therefor.

Section 28. The officers of said city elected or appointed by the councils shall, during the time they are in office, have all the power and authority of like officers in the State under its general laws,

unless the same be abridged or restricted by the councils.

Section 29. The mayor or the councils may prohibit any theatrical or other performance, show or exhibition within said city or a mile of its corporate limits, which may be deemed injurious to morals

or good order.

Section 30. The mayor shall be the chief executive officer of the city, and shall take care that the by-laws and ordinances thereof are fully executed. He shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, in and for the city, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend such officers and the members of the police and fire departments, and to remove such officers for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in person or by counsel, and to present testimony in his defense. From such order of suspension or removal the city officer so suspended or removed, or the member of the police and fire departments so suspended, shall have an appeal of right to the corporation

Said mayor shall have all other powers and duties which may be conferred upon him by general laws. The corporation court of said city may remove the mayor of said city from office for malfeasance, misfeasance, or gross neglect of official duty, and such removal shall be deemed a vacation of the office. All proceedings against the mayor for the purpose of removing him from office shall be by order of or motion before said court, upon reasonable notice to the party affected thereby, and with the right to said party of an appeal to the supreme court of appeals. In the event of the death, resignation or removal of the mayor, or his inability to discharge his duty from some other cause, his place shall be filled and his duties shall be discharged by the president of the board of aldermen, and, in the event of his inability, then the president of the common council until another

mayor is elected and qualified, or until such inability shall cease. A vacancy in the office of mayor shall be filled as provided for in section

eight of this charter.

Section 31. The police justice shall have and possess all the jurisdiction and exercise all the powers and authority in all criminal cases of a justice of the peace for said city, and his jurisdiction shall extend to within one mile of the corporate limits of the city; but he shall receive no fees for services as such police justice, but all such fees shall be covered into the city treasury. He shall also have jurisdiction of and try violations of the city ordinances, and inflict such punishment as may be prescribed for a violation of the same. shall have authority to issue his warrant for the arrest of any person or persons violating any of the ordinances, acts or resolutions of said city; it shall be his duty especially to see that peace and good order are preserved, and persons and property are protected in the city; he shall have power to issue executions for all fines and costs imposed by him or he may require the immediate payment thereof, and in default of such payment he may commit the party in default to the city jail until the fine and costs be paid, for a period, however, not exceeding ninety days. He shall hold his court daily, except Sundays, at the place prescribed by the councils, and if from any cause he shall be unable to act, he shall appoint any other justice of the peace, or any alderman or councilman or said city, to discharge the duties of the police justice prescribed herein during such inability, and who shall be paid for such services by the police justice at the same rate per diem as such police justice receives. The police justice shall keep a regular account of all fines, forfeitures, fees and costs imposed, arising or collected in the administration of his office, which he shall report monthly to the city treasurer, except that all fines collected for offenses committed against the State shall go to the literary fund, as provided by law. The police justice of said city shall be removed, as hereinbefore provided, by the mayor upon proof of malfeasance or misfeasance in office. The police justice shall receive a compensation for his services, to be fixed by the councils, which shall not be increased or decreased during the term for which he is elected, but said compensation shall not be more than twelve hundred dollars per annum.

Section 32. The salaries of all officers who receive stated compensation for their services from the city shall be fixed by the

councils.

Section 33. The councils shall fix by ordinance the time for holding their stated meetings and no business shall be transacted at a special meeting, unless by unanimous consent, except that for which it shall have been called, and every call for a special meeting shall specify the object thereof.

Section 34. The regulations and restrictions for granting any franchise in the city shall be such as are provided by the general laws as found in sections ten hundred and ninety-three-e of the Code of

Virginia of nineteen hundred and four.

Section 35. All moneys belonging to said city shall be paid over to the treasurer, and no money shall be by him paid out except as the same shall have been appropriated and ordered to be paid by the councils, and the said treasurer shall also pay the same upon warrant approved in such manner as may be prescribed by ordinance of the councils.

Section 36. If the said treasurer shall fail to account for and pay over all of any moneys that shall come into his hands when thereto required by the councils, it shall be lawful for the councils, in the corporate name of the city, by motion before any court of record having jurisdiction in the city of Charlottesville, to recover from the treasurer and his sureties, or their personal representatives, any sum that may be due from said treasurer to said city on ten days' notice.

Section 37. All fines imposed for any violation of any city ordinance or State law shall be collected by the chief of police; and if said chief of police shall fail to collect, account for, and pay over all the fines in his hands for collection, it shall be lawful for the councils to recover the same, so far as the same are accruing to the city, by motion, in the corporate name of the city, before the corporation court of said city, against the said chief of police, his sureties on his said bond, or any or either of them, his or their executors or administrators, on giving ten days' notice of the same.

Section 38. The councils shall have power to make such ordinances, by-laws, orders and regulations as they may deem necessary to prevent dogs, hogs and other animals from running at large in the limits of the city, and may subject the owners thereof to such fines, regulations and taxes as the councils may deem proper, and may sell said animals at public auction to enforce the payment of said fines and taxes; and may order such dogs, as to which taxes are in default, to be killed by a policemen or constable.

Section 39. The city shall not take or damage any private property for streets, or other public purposes, without making to the owner, or owners, thereof just compensation for the same. But in all cases where the city councils cannot by agreement obtain title to the ground necessary for such purposes, it shall be lawful for it to apply to the circuit court of the county in which the land shall be situated, or to the proper court of the city having jurisdiction of such matters, if the subject lie within the city, to condemn the same.

Section 40. In every case where a street in said city has been or shall be encroached upon by any fence, building or otherwise, the city councils may require the owner or owners, if known, and if unknown the occupant or occupants of the premises so encroaching, to remove the same. If such removal shall not be made within the time ordered by the city councils, it may impose a penalty of five dollars for each and every day that it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs, for which there shall be lien on the premises so encroaching, which lien may be enforced in

a court of equity having jurisdiction of the subject. No encroachment upon any street, however long continued, shall constitute an adverse possession thereto, or confer any right upon the person claim-

ing thereunder as against said city.

Section 41. All rights, privileges and properties of the city of Charlottesville heretofore acquired and possessed, owned and enjoyed by an act now in force, not in conflict with this act, shall continue undiminished and remain vested in said city under this act; and all laws, ordinances and resolutions of the corporation of Charlottesville now in force, and not inconsistent with this act, shall be and continue in full force and effect in the city of Charlottesville, until regularly repealed.

Section 42. The corporation court of the city of Charlottesville shall remain as it now exists and be held by the city judge at such times as are, or may be, designated by law, and the jurisdiction of said court shall be such as is now prescribed; provided, of course, that the power to abolish said court in accordance with the Constitution of the State is in no way hereby affected. And the city of Charlottesville shall remain a part and parcel of the same legislative

and senatorial districts to which it now belongs.

Section 43. That the corporate authorities of said city be, and they are hereby, authorized and empowered to erect suitable dams and reservoirs, and to lay suitable pipes to supply said city with an adequate supply of water, and to establish and construct a sewerage system for said city; and for such purpose to acquire, either by purchase or by condemnation, according to the provisions of the general law for the condemnation of lands by incorporated cities, such lands and so much thereof as may be necessary for the aforesaid purposes.

Section 44. All elections under this charter shall conform to the

general law of the State in regard to elections by the people.

Section 45. The property now belonging to the county of Albemarle within the limits of the city of Charlottesville shall be within and subject to the joint jurisdiction of the county and city authorities and officers, and shall not be subject to taxation by the authorities of either county or city; and if the county and city aforesaid cannot agree upon the term of joint occupancy and use of such property in regard to which settlements may not have already been effected, the right of said city to such joint occupancy and use being hereby recognized, then the board of arbitration herein provided for shall determine the terms of such joint occupancy and use, and said board of arbitration shall determine what rights, if any, the city aforesaid has in all other county property; but this is subject to the recognition of the right of the city, as well as the county (through the district school board or otherwise) in the school property in Charlottesville school district; and nothing herein contained shall affect the rights of the inhabitants of said city to participate in the benefits of the Miller Manual Labor School in the Samuel Miller district in said county.



Section 46. A board of arbitrators composed of three members, one to be selected by the board of supervisors of Albemarle county, one by the councils of Charlottesville, and they to choose a third, is hereby established, whose duty it shall be to adjust and decide the matters hereinbefore submitted to them, and all such other questions as may arise between said city and county, growing out of the extension of the corporation limits, and the establishment of a city government. The awards of said arbitrators shall be entered upon as the judgments of the city court or the county circuit court, as the arbitrators may designate.

Section 47. And it is further provided that the same person shall be eligible to and, if elected, may hold a county office and a city office, if the said offices be of the same nature, at the same time; provided, such officer lives within the city limits; and any person otherwise qualified, who is a resident of the city of Charlottesville, shall be eligible to election or appointment to any county office of

Albemarle county.

Section 48. This act, upon approval of the governor is hereby declared to be effective as of March sixteenth, nineteen hundred and twenty, and retroactive as of the date of the passage hereof, and the general assembly of Virginia hereby validates, legalizes and confirms all acts done by the city of Charlottesville and by the public officials, officers, agents and employees of the city of Charlottesville, within the apparent scope of their authority, agency and employment under chapter two hundred and eight of the acts of the general assembly of Virginia, of nineteen hundred and twenty, entitled an act to amend and re-enact an act of the general assembly of Virginia approved March third, nineteen hundred, and in force from its passage, entitled an act to provide a new charter for the city of Charlottesville, and to repeal all acts inconsistent therewith; and also to amend and reenact an act entitled an act to provide a new charter for the city of Charlottesville, approved March fourteenth, nineteen hundred and eight.

Section 49. It appearing that an emergency exists by reason of the fact that license taxes have to be adjusted in the city of Charlottesville on the first day of May in each year, this act is hereby declared to be an emergency act within the provisions of section fifty-three of the Constitution of Virginia and shall be in force from its passage and retroactive and effective as of the sixteenth day of March,

nineteen hundred and twenty, as herein provided.

Section 50. All acts and parts of acts inconsistent herewith are hereby repealed.

- CHAP. 110.—An ACT to authorize the mayor and council of the town of Cape Charles, in the county of Northampton, and State of Virginia, to issue bonds and borrow money for the purpose of paving the streets of the said town.

  [H B 218]
  - Approved March 2, 1922.
- 1. Be it enacted by the general assembly of Virginia, That the mayor and the council of the town of Cape Charles, in the county of Northampton, be, and they are hereby authorized and empowered to issue and sell bonds of the said town, in an amount not to exceed in the aggregate the sum of forty thousand dollars, as hereinafter provided, or as much thereof as, added to the present indebtedness of the said town, shall not exceed the constitutional limitation of eighteen per centum, the proceeds of which shall be used by the said town for the purpose of street paving within the said town, and to meet such expenses connected therewith, as may be determined upon by the said mayor and council.
- 2. The said bonds shall be coupon bonds and shall be issued in denominations of five hundred dollars, or any multiple thereof, as the said mayor and council may prescribe, and shall bear interest at a rate not to exceed six per centum payable semi-annually. They shall be made to mature at the end of twenty years from the date of their issuance, but redeemable after five years, or any interest date thereafter, at the option of the said council. The said bonds shall be signed by the mayor and countersigned by the clerk of the council and shall be sold and negotiated in such manner as may be prescribed by the said mayor and council, provided that said bonds shall not be sold and negotiated for less than par value. The council shall have power to make annual appropriations out of the revenue of the corporation to pay the interest on said bonds and to provide a sinking fund for the redemption of said bonds when due or when redeemed before maturity, as aforesaid, and if necessary, may levy a special tax annually not to exceed fifteen cents on every one hundred dollars worth of property subject to local taxation within the limits of said town for said purposes.

### Approved March 2, 1922.

1. Be it enacted by the general assembly of Virginia, That the electoral board of each city having a population of fifty thousand or more may, in its discretion, prior to the first day of April, nineteen hundred and twenty-three, and every alternate year thereafter, appoint a general registrar for such city, who shall be a discreet citizen and resident of the city for which he is appointed, and such registrar shall not hold any other office, by election or appointments, during

CHAP. 111.—An ACT to provide for the registration of voters in cities having a population of fifty thousand or more; and to repeal an act entitled an act to provide for the registration of voters in cities having a population of one hundred thousand or more, approved March 20, 1920. [H B 181]

his term. Said registrar shall hold office for two years from the first day of May following his appointment, and until his successor is duly qualified, except as provided in section six of this act. The appointment of such general registrar shall be in addition to the office of registrar in each election district in such city now provided for by law, except that in cities of more than fifty thousand and less than sixty thousand inhabitants the appointment of such general registrar shall automatically abolish the office of registrar in each election district in such city now provided for by law; but each of such registrars, upon the appointment of the general registrar provided for in this act shall deliver to said registrar all books, papers, and documents pertaining to their respective offices.

2. Such general registrar, subject to the approval of the electoral board, may appoint such assistants as may be necessary for the performance of the duties of his office, and said assistants are hereby authorized to do all things necessary for the registration of qualified voters, and their compensation shall be fixed and paid as the compensation and salaries of other city officers are fixed and paid.

3. It shall be the duty of said general registrar to maintain in the city hall, or other municipal building, of the city for which he is appointed, an office wherein all qualified voters of such city may be registered.

4. Such general registrar shall keep separate registration books for each election district in said city, and, except as otherwise provided in this act, perform all of the duties now required by law to be performed by the registrars of the election districts of said city.

5. The city for which he is appointed shall furnish the general registrar a suitable office in the city hall, or other municipal building, of said city. All fees collected by the general registrar, or any of his assistants, shall be paid into the city treasury, and the council of the city shall allow said general registrar an annual salary for performing the duties required of him.

6. If any electoral board shall appoint a general registrar in pursuance of this act, it may, at the expiration of the term of any such general registrar, abolish such office by declining to appoint a successor and giving notice of such intention to the incumbent, if any, in which event the preceding sections of this act shall cease to be operative in such city, and the registration of voters in such city thereafter shall in all respects conform to the general law (other than this act) then in force.

7. An act entitled an act to provide for the registration of voters in cities having a population of one hundred thousand or more, approved March twentieth, nineteen hundred and twenty, is hereby repealed.

CHAP. 112.—An ACT to validate certificates of indebtedness of the town of South Boston aggregating \$129,634.00, and providing for the payment of said certificates.

Approved March 2, 1922.

Section 1. Be it enacted by the general assembly of Virginia, That the certificates of indebtedness of the town of South Boston, aggregating one hundred and twenty-nine thousand six hundred and thirty-four dollars (\$129,634.00), described in an ordinance of the town council of the town of South Boston, adopted the fourteenth day of October, nineteen hundred and twenty-one, which certificates were issued in payment of the cost of construction of streets and sidewalks in said town, be, and the same are hereby, validated, and said certificates of indebtedness are hereby declared to be the general obligations of said town of South Boston, and to have all of the characteristics of negotiable instruments, and the town council of the town of South Boston is hereby authorized and empowered to levy and collect such taxes on real estate and tangible personal property in the town of South Boston, as the council of said town may determine, and a further tax at a rate not in conflict with the general laws of the State of Virginia on all intangible property in said town, as may be necessary to provide for the payment of the principal and interest of said certificates of indebtedness.

Section 2. An emergency existing, this act shall be in force from its passage.

CHAP. 113.—An ACT to amend and re-enact sections fifty-three hundred and thirty-five and fifty-three hundred and forty of the Code of Virginia.

Approved March 2, 1922.

Be it enacted by the general assembly of Virginia, That sections fifty-three hundred and thirty-five and fifty-three hundred and forty of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 5335. By whom bill may be filed for sale or encumbrance of lands of such persons, or lands held in trust; what to state; how verified; who to be made defendants.—If the guardian of any infant or the committee of any insane person, or the trustee or trustees of any estate, or executors or administrators with the will or curator annexed of any decedents will or any person interested in the subject matter, whether he or they be interested with others or not, think that the interest of the infant, insane persons or those for whom the estate is held will be promoted by a sale or encumbrance of his or their estate, in whole or in part, or by an exchange of his or their estate for other real estate; or by encumbering such real estate for the purpose of borrowing money to pay debts, or to educate or support infants or to preserve the estate or to be used to erect buildings or other improvements on the same; or if such guardian, committee, trustee or trustees, executor or executors, person or persons interested

in any estate in trust, think that the interest of such infant, insane person or other person or persons for whom such estate is held, or to whom such estate belongs, will be promoted by the sale thereof or of the timber, coal, oil, gas and minerals on or in the real estate; or by a lease of such real estate, or any part thereof, for a term of years; or by a lease of the coal, oil, gas and minerals thereof, or of any or either of them; such guardian, committee, trustee or trustees, executor, or beneficiary or beneficiaries, whether the estate of the infant, insane person, or of any of the persons interested, be absolute or limited, and whether there be or be not limited thereon any other estate, vested or contingent, and whether the guardian, committee, trustee or trustees, executor, or the infant, or insane person, or any of the persons interested, reside in this State or not, may, for the purpose of obtaining such sale, exchange, or encumbrance, or making such lease, file a bill in equity or a petition in any pending suit in the circuit court of the county or chancery, circuit or corporation court of the corporation in which the estate proposed to be sold, exchanged, encumbered or leased, or some part thereof, may be, stating plainly all of the estate, real or personal, belonging to such infant or insane or other person or so held in trust, and all the facts calculated to show the propriety of the sale, exchange, encumbrance or lease, and where the object is to encumber the estate, such other facts as are required by section fifty-three hundred and forty.

The bill or petition shall be verified by the oath of the plaintiff. The infant or insane person, or beneficiary or beneficiaries in such trust, and the trustee or trustees or executors (when not plaintiff or plaintiffs) and all others interested shall be made defendants; and also, where there are one or more infant or insane defendants his or their guardian or committee, as the case may be, and all those who would be their heirs or distributees, if all of such infants or insane

defendants were dead.

Section 5340. When and for what decree for sale, lease, encumbrance or exchange may be made; what the court may require before and after decree is entered.—If it be clearly shown, independently of any admissions in the answers, that the interest of the infant, insane or other person in interest, or beneficiaries in the trust, as the case may be, will be promoted, and the court is of opinion that the rights of no person will be violated thereby, it may decree an encumbrance or a sale of said estate or real estate, or any part thereof; or if it be real estate, an exchange of the whole, or any part thereof, for other real estate or a sale or exchange of timber, coal, oil, gas and minerals thereof or any or either of them, or a lease of such real estate, or any part thereof, or a lease of the coal, oil, gas and minerals thereof, or of any or either of them, for such term of years as the court may deem proper, taking for the purchase money, in case of a sale on credit, ample security, and if the sale be of real estate, retaining a lien thereon; or the court may decree that the real estate or any part thereof may be encumbered for the purpose of borrowing money to pay debts, or to educate or support infants, or to preserve the estate or



to be used to erect buildings or other improvements on said real estate upon such terms and conditions as may appear proper.

In case of a lease on such real estate of a lease of the coal, oil, gas and minerals thereof, or of any or either of them, the contract proposed to be executed by such guardian, committee, executor, trustee or trustees, shall, before being executed, be submitted to and approved by the said circuit, chancery or corporation court. If the object sought is to encumber the real estate to borrow money to be used to erect buildings or other improvements thereon, or to pay off debts against the estate, the kind of buildings or improvements to be erected and the estimated cost thereof, or the debts to be paid off, and the nature and the amount thereof, as the case may be, shall be specifically set forth, either in the body of the bill or petition, or in exhibits filed therewith; and the decree shall not authorize the borrowing of any greater amount than may be necessary for such purpose, and shall so provide that a report of the disbursement of the money so borrowed be made to the court and become a part of the record in the cause.

Any exchange of lands decreed or ordered by court prior to March fifth, eighteen hundred and eighty-eight, shall be valid as if such exchange had been so decreed or ordered after said date.

2. An emergency existing, this act shall be in force from its passage.

CHAP. 114.—An ACT to authorize and empower the council of the town of Manassas, Virginia, to negotiate a loan for the purpose of paying off and discharging the floating debts of the said town, caused by the urgent and necessary repairs and materials for the streets and public utilities owned by the town; to issue bonds for said loan; to provide for the payment of principal and interest thereof and to provide a sinking fund. [H B 126]

#### Approved March 4, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the town council of the town of Manassas, Virginia, be, and it is hereby authorized, empowered and directed to negotiate a loan not to exceed the sum of twenty-two thousand dollars (\$22,000.00) for the purpose exclusively of paying off the floating indebtedness of the town, and to issue bonds therefor, bearing interest at not more than six per centum per annum, payable semi-annually, and maturing not exceeding twenty (20) years from date of issuance, but redeemable, at the option of the town, after five years from date.
  - 2. The said bonds shall not be sold for less than par.
- 3. After issuing the said bonds, the town council shall create a sinking fund to be applied to the redemption and payment of said bonds, and shall levy on real estate and tangible personal property taxes in addition to the regular levy for town purposes, to an amount sufficient to pay the interest and provide for said sinking fund, provided that the said levy shall not exceed an amount sufficient for such purposes.

4. By reason of the fact that the floating debts of the said town are past due and should be paid at the earliest possible time, an emer-



gency is declared to exist and this act shall be in effect from its passage.

CHAP. 115.—An ACT to amend and re-enact an act entitled an act to authorize the school board of Tanner's creek magisterial district, No. 6, of the county of Norfolk, Virginia, to borrow money for the purpose of school improvements in said district and to issue bonds therefor. not to exceed the sum of \$300,000.00 in amount, approved February 28, 1920. [H B 201]

#### Approved March 4, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to authorize the school board of Tanner's creek magisterial district, number six, of the county of Norfolk, to borrow money for the purpose of school improvements in said district, and to issue bonds therefor, not exceeding three hundred thousand dollars in amount, approved February twenty-eighth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Be it enacted by the general assembly of Virginia, That the school board of Tanner's creek magisterial district, number six, of the county of Norfolk, be authorized and empowered to borrow money not to exceed the sum of five hundred thousand dollars, the same to be used

for school improvements in said district.

2. That the said school board shall issue bonds not to exceed the said sum of five hundred thousand dollars, to bear interest at the rate of six per centum per annum, payable semi-annually, with interest coupons attached thereto, and the principal thereof to be paid twenty (20) years after date thereof, said bonds to be a lien upon all of the school property of said school district, number six, of said county of Norfolk. The said school property shall be pledged for the payment of the principal and interest of said bonds, as therein set forth, and as shown by interest coupons thereto attached, which said bonds shall be in form as follows:

Know all men by these presents: That the school board of Tanner's creek magisterial district, number six, of the county of Norfolk, in the State of Virginia, is justly indebted to and promises to pay \_\_\_\_\_, or bearer, the sum of one thousand dollars, bearing interest at the rate of six per centum per annum from date, payable semi-annually on surrender of the proper interest coupons hereto attached, until said principal sum shall be paid in full.

In testimony whereof, the said school board of said Tanner's creek magisterial district, number six, of the county of Norfolk, Virginia, hath caused the corporate seal of the same to be affixed and these presents to be signed by its chairman and attested by its clerk, this the \_\_\_\_\_ day of \_\_\_\_\_\_, nineteen hundred and \_\_\_\_\_.

3. The said bonds shall be in denomination of one thousand dollars each, and in making sale of same in accordance with the provisions of this act, such bonds shall in no event be sold at less than the par value thereof. And the said school board shall provide for the payment of the accruing interest on said bonds, or so many there-

of as may be issued and sold, and also for the payment of the principal of said bonds, in such manner and by such means not in conflict with general law as it shall deem necessary.

4. The said bonds, or any one or more of same, may be issued and sold by the said school board, only for the purposes herein set

forth.

5. The necessity for raising money for the purpose of aforesaid improvements in said district creates an emergency, and this act shall be in force from its passage.

CHAP. 116.—An ACT to authorize the school board of Washington magisterial district, No. 5, of the county of Norfolk, to borrow money for the purpose of school improvements in said district, and to issue bonds therefor, not exceeding \$125,000.000 in amount. [H B 200]

### Approved March 4, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the school board of Washington magisterial district, number five, of the county of Norfolk, be authorized and empowered to borrow money not to exceed the sum of one hundred and twenty-five thousand dollars, the same to be used for school improvements in said district.
- 2. That the said school board shall issue bonds not to exceed the said sum of one hundred and twenty-five thousand dollars, the said bonds to be in denominations of one thousand dollars, to bear interest not to exceed six per centum per annum, payable semi-annually, with interest coupons thereto attached, and the principal thereof to be paid twenty years after date thereof, and to be a lien upon all the school property of said school district, number five, of the county of Norfolk. The said school property shall be pledged for the payment of the principal and interest thereof, according to their tenor and date, and the said bonds shall be in the form following:

Know all men by these presents: That the school board of Washington magisterial district, number five, of the county of Norfolk, in the State of Virginia, is justly indebted to \_\_\_\_\_\_, or bearer, in the sum of \_\_\_\_\_ dollars, redeemable twenty years after date hereof, and bearing interest at the rate of six per centum per annum from date, payable semi-annually, on surrender of the proper coupons hereto attached, until the payment of the principal sum.

In testimony whereof the said school board of Washington magisterial district, number five, of the county of Norfolk, has caused the corporate seal to be affixed, and these presents to be signed by its chairman and attested by its clerk, this \_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_.

3. That in making sale of the said bonds that shall be issued in accordance with the provisions of this act, at no time shall the said bonds be sold for less than their par value; and the said school board shall provide for the payment of the accruing interest, and also for

the principal of said bonds, in such manner and by such means not in conflict with general law as it shall deem necessary.

4. The said bonds shall be issued and sold by the said school board for the purposes of raising said sum of money, or any part

thereof, only for the purpose herein set out.

5. The necessity of raising money for the purposes of school improvements in this district creates an emergency and this act shall be in force from its passage.

CHAP. 117.—An ACT to authorize the school board of Western Branch magisterial district, No. 1, of the county of Norfolk, to borrow money for the purpose of school improvements in said district, and to issue bonds therefor, not exceeding \$80,000.00 in amount. [H B 199]

# Approved March 4, 1922.

1. Be it enacted by the general assembly of Virginia, That the school board of Western Branch magisterial district, number one, of the county of Norfolk, be authorized and empowered to borrow money not to exceed the sum of eighty thousand dollars, the same to

be used for school improvements in said district.

2. That the said school board shall issue bonds not to exceed the said sum of eighty thousand dollars, the said bonds to be in denominations of one thousand dollars, to bear interest not to exceed six per centum per annum, payable semi-annually, with interest coupons thereto attached, and the principal thereof to be paid twenty years after date thereof, and to be a lien upon all the school property of said school district number one of the county of Norfolk. The said school property shall be pledged for the payment of the principal and interest thereof, according to their tenor and date, and the said bonds shall be in the form following:

Know all men by these presents: That the school board of Western Branch magisterial district, number one, of the county of Norfolk, in the State of Virginia, is justly indebted to \_\_\_\_\_, or bearer, in the sum of \_\_\_\_\_\_ dollars, redeemable twenty years after date hereof, and bearing interest at the rate of six per centum per annum from date, payable semi-annually on surrender of the proper coupons hereto attached, until the payment of the principal

sum.

In testimony whereof the said school board of Western Branch magisterial district, number one, of the county of Norfolk, has caused the corporate seal to be affixed, and these presents to be signed by its chairman and attested by its clerk, this \_\_\_\_ day of \_\_\_\_\_\_\_\_nineteen hundred and \_\_\_\_\_.

3. That in making sale of the said bonds that shall be issued in accordance with the provisions of this act, at no time shall the said bonds be sold for less than their par value; and the said school board shall provide for the payment of the accruing interest, and also for the principal of said bonds, in such manner and by such means not in conflict with general law as it shall deem necessary.

4. The said bonds shall be issued and sold by the said school board for the purposes of raising said sum of money, or any part

thereof, only for the purpose herein set out.

5. The necessity of raising money for the purposes of school improvements in this district creates an emergency and this act shall be in force from its passage.

CHAP. 118.—An ACT to amend and re-enact an act entitled an act to authorize the school board of Pleasant Grove magisterial district, No. 3, of the county of Norfolk, to borrow money for the purpose of school improvements in said district, and to issue bonds therefor, not exceeding \$50,000.00 in amount, approved February 25, 1920. [H B 198]

### Approved March 4, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to authorize the school board of Pleasant Grove magisterial district, number three, of the county of Norfolk, to borrow money for the purpose of school improvements in said district, and to issue bonds therefor, not exceeding fifty thousand dollars in amount, approved February twenty-fifth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Be it enacted by the general assembly of Virginia, That the school board of Pleasant Grove magisterial district, number three, of the county of Norfolk, be authorized and empowered to borrow money not to exceed the sum of fifty thousand dollars, the same to be used

for school improvements in said district.

2. That the said school board shall issue bonds not to exceed the said sum of fifty thousand dollars, the said bonds to be in denominations of one thousand dollars, to bear interest at the rate of six per centum per annum, payable semi-annually, with interest coupons thereto attached, and the principal thereof to be paid twenty years after date thereof, and to be a lien upon all the school property of said school district number three of the county of Norfolk. The said school property shall be pledged for the payment of the principal and interest thereof, according to their tenor and date, and the said bonds shall be in the form following:

Know all men by these presents: That the school board of Pleasant Grove magisterial district, number three, of the county of Norfolk, in the State of Virginia, is justly indebted to \_\_\_\_\_\_, or bearer, in the sum of \_\_\_\_\_\_ dollars, redeemable twenty years after date hereof, and bearing interest at the rate of six per centum per annum from date, payable semi-annually, on surrender of the proper coupons hereto attached, until payment of the principal sum. In testimony whereof the said school board of Pleasant Grove magisterial district, number three, of the county of Norfolk, has caused the corporate seal to be affixed, and these presents to be signed by its chairman and attested by its clerk, this \_\_\_\_\_\_ day of \_\_\_\_\_\_, nineteen hundred and \_\_\_\_\_.

- 3. That in making sale of the said bonds that shall be issued in accordance with the provisions of this act, at no time shall the said bonds be sold for less than their par value; and the said school board shall provide for the payment of the accruing interest, and also for the principal of said bonds, in such manner and by such means not in conflict with general law as it shall deem necessary.
- 4. The said bonds shall be issued and sold by the said school board for the purpose of raising said sum of money, or any part thereof, only for the purpose herein set out.
- 5. The necessity of raising money for the purposes of school improvements in this district creates an emergency, and this act shall be in force from its passage.

CHAP. 119.—An ACT to amend and re-enact an act entitled an act to authorize the board of supervisors of Warren county to borrow certain sums of money not exceeding one hundred thousand dollars, and issue bonds therefor, for the permanent improvement and construction of certain roads in Front Royal, Cedarville, and Fork magisterial districts of said county, approved September 9, 1919.

[H B 177]

### Approved March 4, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to authorize the board of supervisors of Warren county to borrow certain sums of money not exceeding one hundred thousand dollars, and issue bonds therefor, for the permanent improvement and construction of certain roads in Front Royal, Cedarville, and Fork magisterial districts of said county, approved September ninth, nineteen hundred and nineteen, be amended and re-enacted so as to read as follows:

The board of supervisors of Warren county be, and is hereby, authorized to borrow the following sums of money and issue the bonds of the county therefor, as hereinafter set forth, for the purposes herein specified, to-wit:

First. A sum not exceeding thirty thousand dollars for the permanent improvement and construction of that certain road located in Front Royal and Cedarville magisterial districts of said county, generally known as the "Dismal Hollow" road, leading from Happy creek station, on the line of the Southern railway, through said "Dismal Hollow," to the Fauquier county line, in or near the village of Linden, Warren county.

Second. A sum not exceeding fifty thousand dollars for the permanent improvement and construction of the following roads in Cedarville magisterial district of said county, to-wit:

(a) The road generally known as the old Front Royal and Winchester turnpike, leading from the north end of the bridge spanning the north branch of the Shenandoah river, thence in a northerly direction through the villages of Cedarville and Ninevah to the end of the Warren county line on said turnpike.

(b) The road leading from Painter's store, on the last abovenamed Front Royal and Winchester turnpike, in a westerly direction across Crooked run, through the village of Reliance, to the end of Warren county line and at the beginning of the Frederick county line.

(c) The residue of said fund of fifty thousand dollars, if any, shall be used in the permanent improvement or construction of such other roads in Cedarville magisterial district as may be determined

by the said board of supervisors.

The said fund of fifty thousand dollars, last above referred to, shall be used for the purpose of improving and constructing the roads in the order as mentioned herein, except, however, the said board, in its discretion, may exclude from the provisions of this act the road described in paragraph (a) supra, in the event the said board should be of opinion that said road will not in the near future be built with Federal aid, in which latter event the road leading from Painter's store to the Frederick county line by way of Reliance shall first be permanently improved and constructed, and the residue of said fund shall be expended as provided in paragraph (c) supra.

Third. The sum of twenty thousand dollars for the permanent improvement and construction of the following roads in Fork magis-

terial district of Warren county, to-wit:

The road leading from the Riverton hotel, in the village of Riverton, in a westerly direction by way of Warren springs and the village of Waterlick to the bridge across the north branch of the Shenandoah river at what is generally known as Pittman's ford, at the end of Warren county line and at the beginning of the Shenandoah county line.

The said bonds when issued shall not bear interest at a greater rate than six per centum per annum, and they shall be sold and marketed as now provided by general law for the sale and marketing of county "road bonds." The said bonds when issued shall be signed by the chairman of the board of supervisors and countersigned by the clerk of said board, and shall be payable at such time or times as the said board may determine, not exceeding thirty years from the date of issue.

The funds arising from the sale of the bonds, or any portion thereof, shall be expended for the purposes herein indicated and none other, and shall be so expended, or any part thereof, by the said board in such manner as to it shall seem proper; that is to say, the said fund, or any part thereof, may be expended by the said board either with or without the supervision of the State highway commission, as said board may from time to time determine.

After issuing such bonds, or any of them, when the next levy is made or tax imposed in said county, a tax not in conflict with general law shall be levied on all property liable to county and district tax in such magisterial district in which the proceeds of the bonds have been or are to be expended, including such property located or the situs of which for taxation is within the limits of any incorporated town situated within such district, to pay the interest on

said bonds so issued and to create a sinking fund to redeem the principal thereof at maturity.

2. In view of the fact that the roads in the magisterial districts of said county herein referred to are badly in need of repair and improvement, an emergency is declared to exist, and this act shall be in force from its passage.

CHAP. 120.—An ACT to provide for building and permanently improving the public roads and bridges in the magisterial districts of Washington county, Virginia, or any magisterial district therein; to authorize the board of supervisors of Washington county to issue bonds for permanent road and bridge improvement or construction in any or all of the magisterial districts in said county, on a petition signed by a majority of the qualified voters in such district or districts; and to provide a sinking fund for the redemption of the bonds; and a levy for maintenance of the sinking fund and maintenance and upkeep of said roads, and to provide for the construction or improvement of such roads and bridges. [H B 178]

### Approved March 4, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Washington county, be and they hereby are authorized to issue bonds in the name of the county of Washington for the purpose of surveying, constructing, macadamizing or otherwise permanently improving the public roads and for building bridges therein and thereon in any or all of the magisterial districts of Washington county, except the Abingdon magisterial district which is expressly excepted from the provisions of this act, on the following conditions:
- 2. Whenever requested so to do by a petition of fifty or more qualified voters of any said magisterial district in Washington county, or whenever thought advisable by a majority of the board of supervisors, a petition shall be prepared by the said board in which shall be named and specified the roads and bridges deemed advisable, or requested, to be built or permanently improved in any said magisterial district, giving the approximate location, proposed length and width, type and approximate maximum cost of the construction or improvement of such road or roads and bridges, which approximate maximum cost, shall have been checked and assured by the State highway commissioner, resident engineer, or his representative, and by the county engineer to be large enough to cover the cost of the proposed work which said petition shall, in terms, request the board of supervisors to issue bonds in an amount sufficient to survey, construct, macadamize or otherwise permanently improve the said road or roads and to build or improve the said bridge or bridges thereon.
- 3. After the said petition so prepared by the board of supervisors, as aforesaid, shall have been circulated it shall be checked by the said board or clerk thereof with the list of qualified voters at the last preceding regular November election to see that said petition has only the names of those who were qualified to vote in the preceding

regular November election and those who may have come of age and registered since said November election, signed thereto. If there be any names signed to said petition or subscribed thereon of persons who were not regularly qualified to vote at said preceding November election and whose names were not on said voting list, or who have not come of age and registered since said November election, the said board of supervisors shall strike off such names. If, after striking off any such names, there remains the bona fide signatures of fifty-one per centum of the qualified voters of said district on said petition, the board shall have the said petition, with such bona fide signatures, published in one issue of a newspaper of general circulation of Washington county, Virginia, and in two issues of the Bristol Herald Courier, a newspaper published in Bristol, Virginia, and a certified copy of said petition and the signatures thereon shall be posted at the front door of the county court house, at Abingdon, and one copy of said petition and signatures thereto shall be posted at each voting precinct in the magisterial district or districts in which the roads designated in said petition are to be constructed.

- After said petition with the signatures thereon has been published and posted, as aforesaid, if any of those whose names are signed to said petition shall come before the said board of supervisors or the clerk and make oath that such person neither signed the said petition nor authorized his (or her) name to be signed thereto, the name of such person or persons making such oath shall be stricken from said petition. If, within fifteen days after the said petition has been first posted and published, as aforesaid, there shall remain, on said petition, the names of fifty-one per centum of the voters in such district, who were qualified to vote in the preceding November election or who have become of age and registered since said regular November election exclusive of any names which have been stricken off, as aforesaid, by virture of the oath above provided for, the board of supervisors shall be authorized to issue bonds for a sum not exceeding the approximate maximum cost of such road or roads, or bridges, specified in said petition, and which sum together with any prior bond issue shall not exceed fifteen per centum of the taxable values as aforesaid, within the district including any incorporated town within such district, except Kinderhook magisterial district which may not exceed twenty-five per centum of the taxable values therein. But before the issuance of any bonds the said petition with the verified signatures shall be approved by the chairman of the board of supervisors, attested by the clerk and recorded:
- 5. Immediately upon the recordation of said petition the board of supervisors are hereby authorized to issue bonds of the county for a sum not exceeding the maximum estimated cost specified in said petition and not in excess of the per centum of the assessed valuation of taxable property for the current year of such magisterial district, including the taxable property within any incorporated town within such district as hereinbefore provided.



The board shall at their first meeting after said petition has been recorded, or as soon thereafter as possible, determine the amount of bonds, not exceeding the maximum aforesaid, to be issued and shall enter of record the amount so determined. The board shall have power in its discretion, to appoint an agent or agents to negotiate a loan or loans or to sell said bonds provided said bonds shall be paid for in lawful money of the United States and shall not be sold at less than their par value. The bonds shall be registered or with coupons attached, as the board of supervisors may prescribe. They shall be signed by the chairman of the board and countersigned by the clerk They shall be in denominations of one hundred dollars or some multiple thereof, shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, at the office of the treasurer of said county, or at such other place as the board may prescribe and stipulate upon the face of the bonds when issued. The bonds shall mature in not more than thirty years from the date thereof, and the board at its discretion may issue the bonds, or any part thereof to mature in five years from date thereof, and each year thereafter up until a date not more than thirty years from the date thereof, but each and all bonds shall specify on the face thereof its date of maturity, but the board shall have the right to redeem all of such bonds, not previously paid for or redeemed at any date after the expiration of ten years from the date thereof, provided, this privilege, if exercised by the board, shall be stated on the face of the bonds when issued. The bonds shall be issued in the name of Washington county, Virginia; shall be signed by the chairman of the board of supervisors of said county and shall have annexed thereto the seal of the board. The board shall deliver the bonds, when issued, to the treasurer of the county, who shall deliver them to the purchaser upon the payment of the price thereof. The treasurer and his sureties shall be liable for the amount received for said bonds, as though it were a county levy and said funds shall be expended for the purposes for which they were intended and none other.

The board of supervisors are authorized to lay a levy not in conflict with general law upon the district in which said road or roads and bridges are to be constructed or improved, and for which the bonds are issued, sufficient to create a sinking fund to be applied to the redemption and payment of the bonds so issued and shall, annually, until such bonds are paid, pay over to the treasurer of Washington county a sum sufficient to pay off such bonds as and when they mature, and the bonds are to be paid or redeemed within a period not exceeding thirty years from the date of the bonds. A tax shall be levied on all property liable to county and district tax in the magisterial district, including such property located in or the situs of which, for the purpose of taxation, is within the limits of any incorporated town, situated within such district for the purpose of paying interest on the bonds so issued and for maintaining a sinking fund for redemption of said bonds at maturity or for redeeming all of them at any time after the expiration of ten years from the date



of the issuance, if the board shall decide to redeem them at such time, and, in addition the levy shall be, in the discretion of the board, in an amount sufficient, not only to maintain the sinking fund, but also sufficient for the maintenance and upkeep of said road or roads, provided that any sum raised or levied for maintenance and upkeep shall be expended under the direction of the State highway commission and of the local road authorities; and from year to year said levy shall be made until the bonds and interest are paid in full. In lieu of any levy for maintenance and upkeep for said roads an amount equal thereto may be raised by other means now provided for by law or which may hereafter be provided by law, but however raised shall be expended as herein provided.

7. If the county wishes to redeem any of its bonds which may have been issued subject to call under the provisions hereof, it may, through the chairman of the board of supervisors give notice of its intention to do so to the holder in person, or by publication thereof once a week for two consecutive weeks in a newspaper published in Washington county or Bristol, Virginia. It shall be sufficient in the notice to give the number and amount of each bond and fix a day for its presentation for payment which shall not be less than ten days from date of personal service of notice or the completion of the publication thereof as the case may be. If the bond be not presented on the day fixed for its redemption, interest thereon shall cease from that day. Any bonds purchased or paid off by the board of supervisors shall be immediately cancelled and shall not be reissued. But none of the bonds shall be redeemed on call unless the privilege of

doing so is stated on the face of the bond.

8. The amount levied and set apart as a sinking fund and the interest accruing thereon shall be used for the payment of the principal and interest of said bonds and for no other purpose. The amount levied and set apart for maintenance and upkeep shall be used for that purpose and no other. The board of supervisors is authorized and empowered to lend out, upon real estate security, the loan not to exceed fifty per centum of the assessed value of the real estate given as security therefor or deposit in banks at interest any accumulation of money to the credit of the sinking fund, and to collect and re-invest the same and the interest thereon from time to time, so often as may be necessary or expedient, until the bonds mature or are called for payment or redemption; but no money to the credit of said sinking fund shall be loaned out or deposited or invested by the said board of supervisors unless said loan, deposit, or investment shall be first approved by the circuit court of the county, or the judge thereof in vacation, and the form and substance of security be inquired into, examined and approved by the Commonwealth's attorney of the county and such other counsel, if any, as the board may employ for the purpose, which approval shall be entered of record in the law order book of said court.

9. The board of supervisors shall apply to the State highway commission for, or shall employ, a competent road engineer whose



selection shall be approved by the State highway commission and who may be the county engineer, to make plans and specifications for all roads or bridges to be built or permanently improved from the proceeds of such bond issue.

The board of supervisors and the State highway commission acting jointly, may build the said road or roads or improve the same and build any bridge provided for under their own supervision and direction and in their discretion may purchase the necessary machinery and supplies and build or permanently improve such road or roads and bridges on account of the magisterial district in whose interest the bonds are issued; or in the discretion of the board of supervisors all of the work or any part thereof may be let to contract as in the next succeeding section provided.

10. If the board shall decide to let the said work, or any part thereof to contract, the same shall be let to contract to the lowest responsible bidder, after due public access to specifications and due public advertising for bidders for at least two consecutive weeks, in a newspaper of general circulation in such county, or, if the board prescribe, in a separate paper published in Bristol, Virginia, or such publication as the State highway commission may deem proper, if any, for the furnishing of material and for the construction of such road or roads according to the plans and specifications which shall be the same as provided for in the next preceding section, and the State highway commission and the board of supervisors may award such contract to the lowest responsible bidders. The said State highway commission and board of supervisors may reject any and all bids, and before entering into any contract, with any bidder, they shall require a bond in the penalty of at least thirty per centum of the contract price, with sufficient security, conditioned that if the proposal shall be accepted the contractor shall furnish the material and perform the work upon the terms proposed within the time prescribed and in accordance with the plans and specifications. Partial payments may be provided for in the contract and paid in the manner herein provided, when certified to by such commission or road engineer in an amount not exceeding ninety per centum of the value of the work done and ten per centum of the contract price shall be retained until ninety days after the entire work has been accomplished and open to the public. The said contractor shall conform to all reasonable regulations and directions of the said highway commission or road engineer.

11. Bonds may be issued by the board of supervisors for Washington county for surveying, constructing, macadamizing or otherwise permanently improving the roads and for constructing or improving bridges on such roads in any magisterial district in Washington county, Virginia, under the conditions hereinbefore fully specified; and the board is authorized to issue bonds for the construction or improvement of roads and bridges in any one of such magisterial districts and in all of them whenever the district in which the roads or bridges to be improved or constructed shall comply with the

provisions of this act, and the bonds issued in pursuance of this act shall be in the name of Washington county, and guaranteed by the county.

12. There being an immediate necessity and demand for the construction and improvement of roads and bridges in some, if not all, of the magisterial districts of Washington county, an emergency exists and this act shall be in force from its passage.

CHAP. 121.—An ACT to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September 11, 1919, approved March 24, 1920.

[H B 222]

Approved March 4, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of South Norfolk, in the county of Norfolk, approved September eleventh, nineteen hundred and nineteen, approved March twenty-fourth, nineteen hundred and twenty, be

amended and re-enacted so as to read as follows:

Section 1. That the inhabitants in the territory in Norfolk county contained within the boundaries prescribed in section two hereof be, and they are, hereby declared to be, a body, politic and corporate, in fact and in name, under the name and style of the city of South Norfolk; and as such shall have and exercise all the powers conferred by, and be subject to all laws of, the State of Virginia now in force, or that may hereafter be enacted, for the government of cities of less than ten thousand inhabitants, so far as the same are not inconsistent with the provisions of this act.

Section 2. The boundaries of the city shall be as follows: Beginning at the intersection of the southern line of Berkley avenue, with the western line of the Obendorfer road, and extending easterly along the southern line of Berkley avenue to its intersection with the eastern line of the Virginian railroad company's right of way; thence along the eastern line of the said railroad right of way to its intersection with the port warden's line of the southern branch of the Elizabeth river; thence down said port warden's line of said river to Mile Run creek; thence up the center of said Mile Run creek to its intersection with the western line of Fourteenth street; thence along the west side of Fourteenth street to its intersection with north side of Liberty street; thence along the north side of Liberty street to its intersection with Obendorfer road; thence along the west side of Obendorfer road to the point of beginning.

Section 3. The territory embraced within the limits of said city shall be divided into three wards as follows, to-wit: The territory embraced within a line beginning at the intersection of the center line of Ohio street extended to the port warden's line of the southern branch of the Elizabeth river, and extending along Ohio street in an easterly direction to its intersection with Atlantic avenue; thence

southerly along the center line of Atlantic avenue to its intersection with the eastern line of the right of way of the Virginian railroad; thence along the eastern line of the right of way of the Virginian. railroad to the port warden's line of the southern branch of the Elizabeth river; thence along the port warden's line of the southern branch of the Elizabeth river to the point of beginning, shall be known as ward one; the territory embraced within the line beginning at the center line of Liberty street with its intersection of the western line of Fourteenth street extended, and extending easterly along Liberty street to its intersection with Atlantic avenue; thence southerly along Atlantic avenue to the center line of Ohio street; thence along the center line of Ohio street in a westerly direction to its intersection with the port warden's line of the southern branch of the Elizabeth river; thence along the port warden's line of the southern branch of the Elizabeth river northerly to Mile Run creek; thence up the center of Mile Run creek to its intersection with the western line of Fourteenth street; thence along the west line of Fourteenth street to the point of beginning, shall be known as ward two. The remaining territory embraced within the limits of said city, as described above, shall be known as ward three.

Section 4. The administration and government of the said city shall be vested in one principal officer, to be denominated the mayor, and nine councilmen, who shall constitute the common council of the city, all of whom shall be electors of the said city.

Section 5. The mayor and councilmen, treasurer, commissioner of revenue and city sergeant, shall be elected for a term of four years, and each shall serve until his successor shall have qualified. There shall be elected three councilmen from each of the three wards of said city. The mayor and the said councilmen shall be elected on the second Tuesday in June, immediately preceding the expiration of the terms of their predecessors, and shall enter upon their duties on the first day of September, next succeeding their election. The treasurer, commissioner of revenue and the city sergeant shall be elected at the general election held for members of the house of delegates in November and immediately preceding the expiration of the terms of their predecessors and shall enter upon their duties on the first day of January succeeding their election.

Section 6. In all elections for officers of the said city, all persons who may be, by the laws of this State, entitled to vote for members

of the general assembly shall be qualified to vote.

The manner of conducting elections under this act, so far as the same is not in conflict herewith, be the same as prescribed by the general election laws of this State.

Section 7. The municipal officers of the said city in addition to those mentioned in section five, shall be the clerk of the common council and city attorney. The council may also appoint such other officers and employees as may be necessary to conduct the business of the city, fix their compensation and prescribe their duties, and may appoint such committees of the said common council and create such

boards and departments of the city government and administration with such powers and duties and subject to such regulations as it may

deem fit, consistent with the provisions of this act.

Section 8. The clerk of the common council and the city attorney shall be appointed by the common council at its first regular meeting in September in every odd number year or as soon thereafter as may be, and shall assume the duties of their offices on the first day of October next succeeding. Their terms of offices shall be for two years from the time fixed for their assuming the duties of their office and they shall serve until their successors shall have been appointed.

The clerk of the common council shall attend the meetings of the same and keep a record of its proceedings and perform all other duties

that may be required of him by the common council.

Section 9. The duties and compensations of all municipal officers, except as herein defined or provided for, shall in addition to the duties prescribed by the general laws of this State, be defined and provided

by the common council.

Section 10. In addition to the power to appoint such officers as are herein expressly mentioned, the common council shall have the power and authority to create a health board by proper ordinance and to appoint a health officer, and any other officer and employee as the common council may deem proper; and to fix their compensation and duties, and may require of any of the officers and employees so appointed bonds, with sureties in proper penalty, payable to the city in its corporate name, with condition for the faithful performance or discharge of said duties.

Section 11. All officers and employees appointed as provided in the preceding section may be removed by the common council at its

pleasure.

Section 12. It shall be unlawful for any officer or employee appointed by the common council, any committee, municipal board, mayor, or head of department to fill more than one of the offices whose incumbents are appointed by the common council or by any appoint-

ing power designated by the council.

Section 13. When the mayor, councilmen, treasurer, commissioner of the revenue, justice of the peace and clerk of the common council take the oaths required of them, duplicate certificates of the court or person administering the same, stating the fact of their having been taken, shall be obtained by the person taking the same and be by him delivered for record as follows: One to the clerk of the common council and one to the clerk of the circuit court of Norfolk county. When any other municipal officer takes the oath required of him a certificate, as aforesaid, shall be secured by him and delivered to the clerk of the common council.

Section 14. The mayor shall be elected by the qualified electors of the city for a term of four years. His salary shall be fixed by the common council and shall not be diminished during his term of office. He shall possess all jurisdiction and exercise all powers and authority of a justice of the peace of the State of Virginia in civil and criminal

matters within the corporate limits of the said city and shall have the jurisdiction and authority of a justice of the peace to issue process and to try and determine all civil and criminal cases arising in the said city, and shall have the power to issue process, hear and determine all prosecutions, cases and controversies which may arise under the by-laws and ordinances of the city; impose fines and inflict punishment when and wherever they are authorized by the said by-laws and ordinances and to issue execution for the collection of the said fines and to impose such fines and penalties for the violation of such by-laws and ordinances as to him shall seem just, where the amount of the penalty or fine for such violation of such laws and ordinances and not fixed by the same; and may, upon the failure of the offender to pay the fine or penalty recovered and the costs, order the offender to be confined in the county jail of Norfolk county or the prison of the city for a term not exceeding ninety days.

All fees allowed the mayor under the general laws of this State for the issuance of warrants, trials of cases, et cetera, shall be collected as their costs are collected and turned into the city treasurer; the said mayor shall have the powers of police justice of the cities of

the first class for the purpose of admitting persons to bail.

Section 15. The mayor shall be the chief executive officer of the city and it shall be his duty to see that the by-laws and ordinances thereof are fully executed, and shall be an ex-officio member of the common council.

The mayor shall see that the duties of the various Section 16. city officers, members of the police and fire departments whether elected or appointed are faithfully performed. He shall have the power to investigate their acts, have access to all books and documents in their office; and may examine them or their subordinates on oath, but the evidence given by persons so examined shall not be used against them in any criminal proceedings; shall have all powers conferred on him by the general laws of this State and may from time to time communicate to the council such suggestion and recommendation as he shall deem proper and in case of absence, illness or inability of the mayor to act as such, the president of the common council or in his absence or inability, the vice-president of the common council or in his absence or inability some other member of the common council chosen for the purpose shall have the same power in discharging the municipal duties of the mayor during such absence or inability of the mayor.

Section 17. In case a vacancy shall occur in the office of the mayor the vacancy shall be filled by the appointment by the common

council of any one eligible to such office.

Section 18. A journal shall be kept of the proceedings of the common council, and at the request of any member present the yeas and nays shall be recorded on any question. At the next meeting the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned, or if he be not present, by the person presiding when they were read. The clerk of the common

council shall keep the said journal and shall record the proceedings of the council at large thereon, and keep the same properly indexed.

Section 19. The common council shall judge of the election, qualification and returns of its members; may compel the attendance of absent members and punish and fine them for disorderly behavior.

Section 20. All vacancies occurring from any cause in the office of the mayor or councilmen shall be filled for the unexpired term

by the council.

Section 21. The said common council shall have all powers and authority that is now or may hereafter be granted to the cities of the second class by the general laws of this State and by this act; and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of this State to cities of this class, but not herein specified; and the common council shall have the power and authority when any felony or misdemeanor has been committed or attempted to be committed in the city to offer such reward as they may think right and proper not to exceed one hundred dollars (\$100.00), for the arrest and conviction of the criminal.

Section 22. The police force shall be under the control of the mayor for the purpose of enforcing peace and order and executing the laws of the State and ordinances of the city. They shall also perform such other duties as the common council may prescribe. For the purpose of enabling them to execute their duties and powers, each policeman is hereby made a conservator of the peace and endowed with all the powers of a constable in criminal cases, and all other powers which under the laws of the State may be necessary to enable him to discharge the duties of his office.

Section 23. The said treasurer shall collect and receive all monies belonging to the city and shall perform such other duties as required by the general laws and which may be prescribed by the common council. He shall receive for his services such compensation as the common council may from time to time allow and in case of the failure of the common council to fix this compensation, he shall be entitled to fees for his services as provided in the general laws as

conditions for treasurers in cities in general.

Section 24. No money shall be paid out by the city treasurer except by order of the common council and upon a warrant of the clerk of the common council countersigned by the mayor.

Section 25. The treasurer shall report to the common council the amount of cash on deposit to the order of the city and in what deposi-

tories deposited upon request of the common council.

Section 26. The city sergeant shall perform the duties and receive the compensations and be subject to the liabilities described by this act and ordinance, by-laws and regulations of the common council and the laws of this State and also have the powers and discharge the same duties as constables within the city limits and be subject to the same liabilities touching all process lawfully directed to him as constables are subject to under the laws of this State. He shall execute

a bond in the penalty of two thousand five hundred dollars condi-

tioned as required by law with approved security.

Section 27. The common council of the city of South Norfolk, whenever three-fourths of its members by a recorded vote decide that it is to the interest of the city so to do, may by an ordinance provide for a bond issue election, to issue bonds for the uses and purposes of the city, said issue to be ratified by a majority of the vote cast at such election.

For the execution of their powers and duties, the common council of the city of South Norfolk shall have the power to raise annually by levies, taxes and assessments in the said city, such sums of money as they shall deem necessary therefor, not in conflict with the general laws of the State and in such a manner as they may deem expedient in accordance with the provisions of this act and the laws of the State and of the United States.

The common council shall have the power to tax all real and personal property situated in the said city, and not exempt by law from said taxation, including all taxable real and personal property omitted from the State assessment; to levy a tax on licenses of any person, firm or corporation which are not prohibited from paying a license tax by the general laws of the State of Virginia.

Section 29. The said common council shall be vested with all powers conferred by the general laws of this State as to enforcing and collecting the license taxes and assessments made under this act

and by virtue of the general laws of the State of Virginia.

Section 30. The common council may levy a tax annually on all persons within the said city over twenty-one years of age provided the said tax shall not exceed one dollar on each of the said persons.

Section 31. The city treasurer or other officer whose duty it is to collect city taxes shall commence to receive the city levies on or before the first day of November of each year, or as soon thereafter as he may receive copies of the commissioner of revenue's books, and continue to receive same up to the first day of December thereafter. It shall be the duty of the treasurer or other such officer after the first day of December to call upon each person, resident within the city chargeable with levies, who has not paid the same, or upon the agent, if any, of such person resident within the city, for payment thereof; and upon the failure of such person or agent to pay the same he shall promptly proceed to collect the same by levy, distress or otherwise.

Section 32. All fines and penalties, and costs incident thereto imposed and collected for violations of city ordinances, rules, regulations and by-laws shall be for the use of said city and shall be turned

into the city treasury.

Section 33. Appeals may be taken to the circuit court of Norfolk county from the decision of the mayor on both civil and criminal matters in the same manner and upon the same terms, and be tried in the same way as appeals from the decision of a justice are taken, and tried in like cases, except that no appeal shall be granted from the decision of the mayor imposing a fine for violation of any of the

ordinances or by-laws of said city for offenses not made criminal by the common law or the statutes of Virginia until and after bond be given by the person so fined, with security approved by the mayor conditioned to pay all fines, costs and damages that may be awarded by the said court on appeal, the penalty of said bond to be double the sum sufficient to pay all such fines, costs and damages.

Should the decision of the mayor be affirmed, in whole or in part, the said court shall enter judgment against the said principal and surety for the amount so affirmed, with costs before the mayor, and the costs of the appeal, and execution shall be issued thereon in the

name of the city against both principal and surety.

Section 34. In any case in which a judgment is rendered by the mayor for a fine, going in whole or in part to the Commonwealth, or for a fine going, in whole or in part, to the city of South Norfolk the mayor may, of his motion, or at the instance of the attorney for the Commonwealth, commit the defendant to jail until the fine and costs are paid, or until the costs are paid where there is no fine; or the mayor may issue a capas pro fine before or after the return of a writ of fieri facias.

Section 35. In any case in which a judgment is rendered by the mayor upon a trial for a misdeanor under the general laws of the State of Virginia, or upon any trial for the violation of the city ordinance, in which a fine is imposed upon the defendant, or in which defendant is required to pay the costs, and the same are not paid, the mayor may in his discretion take security for the payment of such fine and costs or for the costs alone, where there is no fine, such payment to be made within thirty days from the day of trial.

It shall be sufficient to bind such surety that the mayor endorse on the warrant the name of the surety, amount for which he is bound, and the date of the endorsement; but, if no security is given, the defendant will be committed to jail until such fine and costs, or such costs alone are paid, but said commitment to jail shall not exceed

ninety days.

Section 36. All criminal and civil writs and process issued by the mayor under the general laws of the State of Virginia shall run in the name of the "Commonwealth of Virginia," and all criminal and civil writs or process issued by the mayor for the violation of or under ordinances of the said city shall run in the name of "the city of South Norfolk," and writs and process issued in the name of the city of South Norfolk shall conform as near as may be to the form for similar writs and processes issued under general State laws.

Section 37. Where by the provisions of this act or the general laws of this State the council has authority to pass an ordinance, by-laws or regulations on any subject, it may prescribe any penalty not exceeding one thousand dollars or confinement in jail not exceeding twelve months, or both, for the violation thereof, or any other form of punishment provided for by the laws of this State for the punish-

ment of misdemeanors.

Section 38. The jailor of the county of Norfolk is hereby authorized to receive into his jail, and there keep until released in ac-

cordance with law, any person regularly committed to his jail for the violation of any city ordinance, regulation or by-laws; and unless otherwise provided by city ordinances any sentence of imprisonment imposed or order for confinement in prison for non-payment of any fine, penalty or costs imposed by the mayor for the violation of a city ordinance, regulation or by-laws, may be either in the city prison or in the county jail of Norfolk county as said mayor imposing such

sentence or making such order shall designate.

Section 39. The jailor of Norfolk county or the person in charge of the prison of said city is authorized to receive into the said jail or prison, without mittimus or warrant, all persons apprehended by the sergeant or any police officer of said city for violation of the rules, regulations, by-laws or ordinances, or disturbing the peace of said city, and shall be authorized to retain such person in custody until the morning of the second day, at which time they shall be discharged, unless regularly committed to his custody by a mittimus or warrant, in which case the officers so receiving said parties shall be entitled to fees provided to be paid when a person is committed under a warrant or mittimus of a justice of the peace.

Section 40. The officers of the city whose duty it is to collect the city taxes and levies shall have all powers to levy upon and distrain goods and chattels of the tax debtor or any other person therefor that may be given by the laws of this State to the officer of a city

whose duty it is to collect city levies and taxes.

Section 41. The commissioner of revenue shall perform such duties as required by the general laws of this State and such other duties as may be prescribed by the common council from time to time and shall receive for his compensation such fees as are allowed under the general laws of the State of Virginia.

Section 42. The common council and the mayor shall be vested with all powers, duties and liabilities which are theirs by the general

laws of this State.

Section 43. From and after January first, nineteen hundred and twenty-three, and until otherwise provided for by the council by ordinance, the fiscal year for the said city shall begin on the first day of January and end with the thirty-first day of December of each year and not later than June first, nineteen hundred and twenty-two, a budget shall be prepared and an appropriation ordinance adopted covering the period from January first, nineteen hundred and twentytwo, to January first, nineteen hundred and twenty-three. From and after January first, nineteen hundred and twenty-three, until otherwise provided by the council by ordinance, city taxes on real estate and city taxes on personal property shall be payable during the month of November of each year.

Section 44. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 45. All acts or parts of acts in conflict with this act are hereby repealed, in so far as they affect the provisions of this act.

Section 46. Inasmuch as the necessities of the city require prompt action, an emergency exists rendering it necessary that this act shall go into operation at once, therefore this act shall be in force from its passage.

CHAP. 122.—An ACT to regulate the shipment of game birds and game animals from one point in this State to another point in the State. [H B 25]

#### Approved March 4, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to ship on any common carrier, or offer for transportation on any common carrier from one point in this State to another point in this State any game birds or game animals protected by the laws of this State, the sale of which is prohibited; provided that it shall be lawful to ship such game birds and game animals from one point in this State to another point in this State when such birds and animals are shipped as a gift and not for sale, in open containers, on which shall appear the name and address of the consignor and consignee, with the statement that such shipment, is made as a gift and not for sale, and the container in which such shipment is made shall bear in plain numbers the number and species of game birds or game animals in such shipment; provided that it shall be unlawful to make such shipments except when such birds or animals are legally killed during the open seasons for same provided by law.

2. Violations of any of the provisions of this act shall be deemed a misdemeanor and punished by a fine of not less than two dollars and fifty cents nor more than one hundred dollars, or confinement in jail for not more than thirty days, or both in the discretion of the justice

or jury trying the case.

3. Nothing in this act shall be construed as repealing existing laws relating to the shipment of game birds and game animals out of this State.

CHAP. 123.—An ACT to amend and re-enact section 3338 of the Code of Virginia.

[S B 11]

Approved March 4, 1922.

Be it enacted by the general assembly of Virginia, That section thirty-three hundred and thirty-eight of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 3338. Unlawful hunting, trespassing, etc., on another's lands. If any person, without the consent of the owner, or the consent of a tenant who has been granted in writing, specific exclusive hunting privileges on said land by the landlord, shoot, hunt, range, fish, trap, or fowl on or in the lands, waters, millponds, or private ponds of another other than uninclosed mountain lands west of the Blue Ridge

mountains not used for cultivation, he shall be deemed guilty of a trespass, and upon conviction thereof shall be fined not more than fifty dollars, the above shall not apply to bona fide fox hunters and deer hunters, and in addition thereto any trespasser shall be liable in action for damages; and if any person, after being warned not to do so by the owner or tenant of any premises, shall go upon the lands of the said owner or tenant, he shall, in addition to the liabilities imposed under this section be deemed guilty of a misdemeanor, and upon conviction thereof, punished by a fine not exceeding fifty dollars or imprisoned in the county jail not exceeding sixty days, or both, in the discretion of the justice or jury trying the case.

CHAP. 124.—An ACT to authorize and empower the board of supervisors of Craig county to borrow money and issue notes therefor. [S B 339]

#### Approved March 4, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Craig county be, and it is hereby, authorized and empowered to borrow money and execute notes therefor, whenever in its judgment, it is necessary; provided, however, that the aggregate amount of indebtedness created under the provisions of this act shall at no time exceed the sum of ten thousand dollars (\$10,000.00). Said notes shall be signed by the chairman of said board and attested by the clerk thereof and run from one to five years, in amounts to be designated by the said board, and shall bear interest at a rate not exceeding six per centum per annum and at maturity paid out of the county road levy or road fund. Said money so borrowed shall be used for the construction and permanent improvement of the roads and bridges in Craig county, constructed under the supervision of the State highway commissioner or of the said board of supervisors and for the repayment of sums temporarily borrowed for said purpose.
- 2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. An emergency existing, this act shall be in force from its passage.

CHAP. 125.—An ACT prescribing the times of holding the regular terms of court in the twenty-fourth and thirty-third judicial circuits. [S B 287]

# Approved March 4, 1922.

1. Be it enacted by the general assembly of Virginia, That the times of holding the regular terms of the circuit courts of the twenty-fourth and thirty-third judicial circuits shall be as follows:

First.—Twenty-fourth judicial circuit

Lee county.—Second Monday in February, May, September and November.

Scott county.—Second Monday in January, April, July and October.

Second.—Thirty-third judicial circuit

On the second Monday in March, May, July, September and November.

2. The judge of each of said judicial circuits may, from time to time, change the day for the commencement of the terms of his courts, or any of them, as provided in section fifty-eight hundred and ninety-three of the Code of Virginia, as amended.

3. An emergency existing, this act shall be in force from its

passage.

CHAP. 126.—An ACT authorizing the board of supervisors of Stafford county to levy a tax upon certain property for the purpose of erecting a courthouse, county offices and a jail in said county. [S B 353]

### Approved March 4, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Stafford county be, and it is hereby authorized to lay a levy of not less than twenty-five cents nor more than fifty cents on the one hundred dollar valuation upon real estate and tangible personal property in the said county of Stafford, for the purpose of erecting a courthouse, county offices and jail upon the present site at Stafford courthouse, which said levy shall be continued until the entire expense of erecting said buildings to completion is paid, and any funds remaining from the said levy, after the payment of said expense, shall be converted into the general county fund, at which time the said levy shall be discontinued.
- 2. An emergency existing, this act shall be in force from its passage.

CHAP. 127.—An ACT to authorize the appointment of a board composed of one representative from each the Association for the Preservation of Virginia Antiquities, the Colonial Dames, the Daughters of the American Revolution, the Daughters of 1812, and the United Daughters of the Confederacy; and to confer upon such board, if and when appointed, authority to place suitable monuments or markers on, at or in places of historical interest located in the Commonwealth. [S B 210]

# Approved March 4, 1922.

1. Be it enacted by the general assembly of Virginia, That the governor may appoint a board composed of one representative from each the Association for the Preservation of Virginia Antiquities, the Colonial Dames, the Daughters of the American Revolution, the Daughters of eighteen hundred and twelve, and the United Daughters of the Confederacy, which board, if and when appointed, shall be authorized to place suitable monuments or markers on, at or in places of historical interest located in the Commonwealth. The mem-

bers of the said board shall be citizens of Virginia, and the board may solicit subscriptions from the public to raise the necessary funds to carry out any program which may be adopted by it.

CHAP. 128.—An ACT to amend and re-enact section 5 of an act entitled an act to incorporate the town of Glade Spring, in the county of Washington, approved March 8, 1875.

[S B 197]

#### Approved March 4, 1922.

- 1. Be it enacted by the general assembly of Virginia, That section five of an act entitled an act to incorporate the town of Glade Spring, in the county of Washington, approved March eighth, eighteen hundred and seventy-five, be amended and re-enacted so as to read as follows:
- Sec. 5. It shall be lawful for the mayor and council of said town to assess and collect an annual tax, in said town, on all such property, real and personal, as is now subject to taxation by the revenue laws of this State, and said mayor and council shall have the right to exercise all powers conferred upon cities and towns by the general laws of this State, as provided in the Code of Virginia, nineteen hundred and nineteen, and acts amending the same.

CHAP. 129.—An ACT to validate bonds under chapter 28 of the acts of 1919, in the county of Albemarle. [S B 274]

#### Approved March 4, 1922.

Whereas, at an election held in the magisterial districts of Charlottesville, Rivanna, White Hall and Ivy, in the county of Albemarle, on the twenty-sixth day of April, nineteen hundred and twenty-one, a bond issue was carried by a majority of the voters in said districts, the proceeds of said issue to be used for macadamizing and otherwise improving the roads in said districts; and

Whereas, on the eighth day of November, nineteen hundred and twenty-one, an election was held in Scottsville district for the purpose of issuing bonds for the further improvement and macadamizing of the public roads in said district, which bond issue was carried by

a majority of the voters in said district; and

Whereas, by a typographical error in the petition for said elections, and in the order of the court, it was stated that said election was called under the act of March twentieth, nineteen hundred and twenty, whereas it should have been under chapter twenty-eight of the acts of nineteen hundred and nineteen; and

Whereas, the said bonds have been duly issued and a part of them have been sold, and some question has been raised in regard

to the said date; therefore,

1. Be it enacted by the general assembly of Virginia, That the said issues of bonds so authorized to be issued by the voters of the

said magisterial districts hereinbefore mentioned, notwithstanding any defect or irregularity in the proceedings or elections authorizing the issuance thereof, or the failure to comply with any statute of the State, are hereby validated, approved, and confirmed, and are declared to be the general obligations of Albemarle county payable as provided in chapter twenty-eight of the acts of the general assembly of Virginia of nineteen hundred and nineteen.

2. Inasmuch as questions as to the validity of said bonds have been raised, an emergency is declared to exist, and this act shall be

in force from its passage.

CHAP. 130.—An ACT to amend and re-enact section 4 of an act entitled an act to incorporate the town of Courtland in the county of Southampton, approved January 27, 1888. [H B 160]

### Approved March 7, 1922.

- 1. Be it enacted by the general assembly of Virginia, That section four of an act entitled an act to incorporate the town of Courtland, in the county of Southampton, approved January twenty-seventh, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:
- Section 4. The said council shall have power to pass all by-laws and ordinances for the proper government of said town, not in conflict with the Constitution and laws of the State and the Constitution and laws of the United States. They shall have power to impose a license tax upon all business on which the State imposes license, or which is provided by law, except such business upon which the imposition of a license tax by cities and towns is forbidden by general law, and its officers shall have such power to collect the same as a State officer would have in like case; and to impose a specific tax for the sale of any merchandise that may be offered for sale by any person not living in said town; and to levy annually such taxes as it may deem necessary for the purposes of the corporation, not in conflict with the general law, which shall not exceed one dollar on the one hundred dollars valuation of property as per State assessment.
- 2. An emergency existing, this act shall be in force from its passage.
- CHAP. 131.—An ACT to amend and re-enact section 3192 of the Code of Virginia, in relation to fish ladders in Meherrin river and the streams within the counties of Lunenburg, Mecklenburg, Louisa, Buckingham, Halifax, Pulaski, Montgomery and Grayson and those streams forming the boundaries of Halifax county.

  [H B 90]

### Approved March 7, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and ninety-two of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 3192. Dams, et cetera; to be provided with suitable fishway.—Any person or corporation owning or having control of any dam or other obstruction in any of the rivers of this State above tidewater, which may interfere with the free passage of fish, shall provide every such dam or other obstruction with a suitable fish ladder so that fish may have free passage up and down said rivers during the months of March, April, May and June of each year, and maintain and keep the same in good repair, and restore it in case of destruction; provided, however, that this section shall not apply to the Meherrin river within the county of Brunswick and Greensville, nor to the Meherrin river within or between the counties of Lunenburg and Mecklenburg, nor to any streams within the counties of Lunenburg, Mecklenburg, Louisa, Buckingham, Halifax, Montgomery, Grayson and Pulaski, nor to that part of any stream that forms a part of the boundary of Halifax county.

CHAP. 132.—An ACT authorizing boards of supervisors of counties, and councils, or other governing bodies, of cities, or incorporated towns to make appropriations for memorials to soldiers, sailors and marines who lost their lives in the late war between the United States and Germany and her allies.

Approved March 7, 1922.

1. Be it enacted by the general assembly of Virginia That the board of supervisors of any county, or the council, or other governing body, of any city, may, in its discretion, appropriate for the erection of memorials to soldiers, sailors and marines who lost their lives in the late war between the United States and Germany and her allies, such sums as in its judgment may be expedient, provided, however, that where the amount to be so expended exceeds \$500.00 the expenditure shall be only upon a petition of one-fourth of the qualified voters of such county, or incorporated town, or upon a petition of one-tenth of the qualified voters of such city; provided, however, that this act shall not be construed to restrict the powers of any city whose existing charter permits the making of such appropriations independently hereof.

CHAP. 133..-An ACT to amend and re-enact section 5349 of the Code of . Virginia. Approved March 7, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-three hundred and forty-nine of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 5349. How, when it is not known to officer or agent that there is a resident personal representative.—The stock or certificates of debt of this State, and of any corporation created by it and of any national bank having its principal office in this State, standing in the name of a decedent domiciled at the time of his death out of this State, and who is not known by the officer or agent charged with the duty of transferring such stock or certificates, to have a personal representative qualified as such within the same, may be transferred by the executor or administrator of such decedent qualified according to the laws of the domicil.

CHAP. 134.—An ACT to amend and re-enact section 5 of an act entitled an act to provide for opening new roads, and building bridges, and working and keeping in repair the public roads and bridges in Rockbridge county, approved March 3, 1894, as heretofore amended. [S B 226]

### Approved March 7, 1922.

- 1. Be it enacted by the general assembly of Virginia, That section five of an act entitled an act to provide for opening new roads, and building bridges, and working and keeping in repair the public roads and bridges of Rockbridge county, approved March third, eighteen hundred and ninety-four, as heretofore amended, be amended and reenacted so as to read as follows:
- Sec. 5. It shall be the duty of the board of supervisors, upon the coming in of the estimates of the boards of road commissioners, to levy a specific road tax, not exceeding fifty cents on every one hundred dollars of the value of all real and personal property in each district. This tax shall be assessed by the commissioners of the revenue and collected by the county treasurer as other taxes are assessed and collected, and used by the several boards of road commissioners in opening new roads, building bridges, and repairing roads and bridges. The board may also levy an additional tax of not exceeding fifteen cents on every one hundred dollars of the value of all real and personal property in any district, the proceeds of which additional tax shall be used for the purpose of acquiring road machinery and equipment.

CHAP. 135.—An ACT authorizing the board of supervisors of Tazewell county to borrow \$15,000.00 for the purpose of permanently improving and resurfacing and maintaining certain roads in Jeffersonville magisterial district in said county.

[S B 254]

Approved March 7, 1922.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Tazewell county is hereby authorized to borrow not exceeding fifteen thousand dollars and to issue bonds therefor, the proceeds of said bonds to be used for the following purposes, that is to say, not more than ten thousand dollars for the permanent improvement of the road leading from the forks of the road north of Burkes Garden Siding to the railroad crossing at store of Harman Brothers in the town of North Tazewell; and five thou-

sand dollars to resurface and maintain the Fincastle road from J. A. Crockett's store to the Maiden Spring magisterial district line.

- The board of supervisors shall determine what amount of bonds for such road improvement in said district, not exceeding the maximum aforesaid, shall presently be issued, and shall enter of record the amounts so determined, and in event they do not at one meeting direct the present issuing of all the said bonds, they may thereafter from time to time, direct the residue thereof to be issued. They shall have power to appoint agent or agents to sell said bonds, provided, that said bonds shall be sold to be paid for in lawful money only, and shall not be sold at a price that will net the county less than par value. When a sale of bonds has been negotiated the board of supervisors shall issue the same. Such bonds may be either registered or with coupons attached as said board of supervisors may prescribe, and shall have written or printed in each, the following sentence: "These bonds are issued for road improvement in Jeffersonville magisterial district, but the full faith and credit of the entire county of Tazewell is hereby pledged for that payment, and a tax is to be levied upon the property in said district to pay the interest on them and to create a sinking fund sufficient in amount to pay them upon maturity." Said bonds shall be signed by the chairman and countersigned by the clerk thereof, under the seal of the board; shall be in denominations of one hundred dollars or some multiple thereof; shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually at the office of the treasurer of said county, and shall be payable at such time or times as the board of supervisors may direct, not exceeding ten years from the date thereof at said office, but may in the discretion of the said board, be made redeemable at such time or times or after such period or periods and upon such notice as the said board may prescribe and stipulate upon the face of the bonds when issued. The board shall deliver them to the treasurer of the county, who shall deliver said bonds to the purchasers thereof, or their order, upon the payment of the price there-The said treasurer and his sureties shall be liable for the amount received for said bonds as though it were a county levy and said fund shall be expended for the purposes and in the magisterial district for which it was intended, and none other. The said treasurer shall receive as compensation for his services hereunder, one-fourth of one per centum of the amount thus coming into his hands and also the reasonable cost to him of giving surety on such additional bond or bonds as may be required of him, if any, on account of his receipts heretofore or hereafter of said funds.
  - 3. After issuing bonds, or any of them, when the next levy is made, or tax imposed in said county, a tax shall be levied on all property liable to local taxation in such magisterial district to pay the interest on the bonds so issued, and to create a sinking fund to redeem the principal thereof at maturity; and from year to year said levy or assessment shall be made until the debt and interest are paid; the amount levied for set apart as a sinking fund, and the interest



accruing thereon shall be used for the payment of the principal of

said bonds, and for no other purpose.

The board of supervisors is hereby authorized and empowered to apply any part, or all of said sinking fund to the payment or purchase of any said bonds, at any time, and all bonds so paid off or purchased by said board of supervisors shall be immediately cancelled, and shall not be re-issued.

4. When the said county wishes to redeem any of its outstanding bonds, subject to call, issued under the provision of this act, it may, through the chairman of the board of supervisors, give notice of its readiness to do so to the holder in person or by publication thereof once a week, for two successive weeks in a newspaper published in said county or nearest thereto. It shall be sufficient in the notice to give the number and amount of each bond, and fix a day for its presentation for payment, which shall not be less than ten days from the date of personal service of the notice, or the completion of the publication thereof, as the case may be.

If the bond be not presented on the day fixed for its redemption,

interest thereon shall cease from that day.

- 5. All work in pursuance of this act shall be done under the sole supervision and control of the local road authorities of Tazewell county.
- 6. An emergency existing, this act shall be in force from its passage.
- 7. All acts and parts of acts in conflict with this act are hereby repealed.

CHAP. 136.—An ACT to authorize the board of supervisors of the county of Tazewell to issue county bonds to an amount not exceeding \$135,000.00, the proceeds of which shall be expended in constructing and permanently improving and repairing certain public roads in Maiden Spring magisterial district in the said county.

[S B 255]

# Approved March 7, 1922.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Tazewell county, for the purpose of repairing and resurfacing the Fincastle turnpike from the division line between Jeffersonville and Maiden Spring magisterial districts west via Maiden Spring to the end of the rock road at or near Henry Copenhaver's and for the purpose of constructing or permanently improving the road from the end of the rock road at or near Henry Copenhavers to a point where the road leading from Cedar Bluff via Wardell connects with the Fincastle turnpike, shall issue the bonds of the county of Tazewell for an amount not exceeding eighty thousand dollars, the proceeds from the sale of which shall be used for said purposes and none other; that the board of supervisors of Tazewell county, for the purpose of permanently improving and surfacing the road from Jewell Ridge down Big Creek to the corporate limits of the town of Richlands, shall issue the bonds of the county of Taze-

well for an amount not exceeding thirty-five thousand dollars the proceeds from the sale of which shall be used for said last mentioned purposes and none other; and that the said board of supervisors of Tazewell county, for the purpose of permanently improving and surfacing the road from Busthead to Bandy, shall issue the bonds of the county of Tazewell for an amount not exceeding twenty thousand dollars, the proceeds from the sale of which shall be used for said last mentioned purposes and none other.

- The board of supervisors of Tazewell county may appoint an agent or agents to sell said bonds, provided that said bonds shall be sold to be paid for in lawful money only, and shall not be sold at a **price** that will not the county less than par value. When such a sale of bonds, has been negotiated, the board of supervisors shall issue the same. Such bonds may be either registered or with coupons attached as said board of supervisors may prescribe, and shall have written or printed in ink the following sentence: "These bonds are issued for road improvement in Maiden Spring magisterial district, but the full faith and credit of the entire county of Tazewell is hereby pledged for their payment, and a tax is to be levied upon the property in said district to pay the interest on them and to create a sinking fund sufficient in amount to pay them upon maturity." Such bonds shall be signed by the chairman and countersigned by the clerk thereof under the seal of the board; shall be in denominations of one hundred dollars or some multiple thereof; shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually on the first day of December and June of each year at the office of the treasurer of said county, and shall be payable not exceeding thirty years from the date thereof at said office, but may, in the discretion of the said board, be made payable or redeemable at such time or times within said thirty years and upon such notice as the said board may prescribe and stipulate upon the face of the bonds when issued. The board shall deliver them to the treasurer of the county, who shall deliver said bonds to the purchasers thereof, or their order, upon the payment of the price thereof. The said treasurer and his sureties shall be liable for the amount received for said bonds as though it were a county levy. The said treasurer shall receive, as compensation for his services hereunder, not exceeding one-fourth of one per centum of the amount thus coming into his hands, and also the reasonable cost to him of giving surety on such additional bond or bonds as may be required of him, if any, on account of his receipts of said funds.
  - 3. After issuing such bonds, or any of them, when the next levy is laid or tax imposed in said county, a tax shall be levied on all property liable to county or district tax in said Maiden Spring district, including such property located or the situs of which for taxation is, within the limits of any incorporated town situated within such district, to pay the interest on the bonds so issued, and to create a sinking fund to redeem the principal thereof at maturity and from year to year said levy shall be made until the debt and interest are



paid, which levy shall not exceed ninety cents on the one hundred dollars of taxable property within the said magisterial district of said county; the amount levied for and set apart as a sinking fund shall be used for the payment of the principal of said bonds, and for no

other purpose.

Should for any reason the county in any way have to assume any payment on account of said bond issue, either interest or principal, it is hereby provided that the board of supervisors shall levy such tax in said magisterial district as may be necessary to defray the amount assumed by the county, it being intended that bonds issued, or to be issued, under this act are county obligations, but payable primarily out of levies upon the property in the said Maiden Spring magisterial district, where the proceeds of the bonds are to be expended hereunder.

4. The board of supervisors is hereby authorized and empowered to apply any part or all of said sinking fund to the payment or purchase of any of said bonds, at any time, and all bonds so paid off or purchased by said board of supervisors shall be immediately cancelled,

and shall not be reissued.

5. When the said county wishes to redeem any of its outstanding bonds subject to call, issued under the provisions of this act, it may, through the chairman of the board of supervisors, give notice of its readiness to do so to the holder in person or by publication thereof once a week for two successive weeks in a newspaper published in said county or nearest thereto. It shall be sufficient in the notice to give the number and amount of such bond, and fix a day for its presentation for payment, which shall not be less than ten days from the date of personal service of notice, or the completion of the publication thereof, as the case may be. If the bond be not presented on the day fixed for its redemption, interest thereon shall cease from that day.

6. The said board of supervisors shall have the right to use the funds derived from the sale of said bonds for the purposes herein-before specified independently of the State highway commissioner or the State highway commission, and for said purposes may employ such engineers as it chooses and may either let said work to contract or cause it to be performed in such other manner as it may choose; or said board of supervisors may expend the funds derived from the sale of said bonds, or any part thereof, in the construction, permanent improvement, repairing or resurfacing of said roads, or any or all of them, under such supervision or control of the State highway commission, or the State highway commissioner, as will entitle said county to receive the benefit of State aid funds for the money to be so expended.

7. An emergency existing, this act shall be in force from its

passage.



CHAP. 137.—An ACT to amend and re-enact section No. 5439 of the Code of Virginia of 1919, relating to proceedings by legatees or distributees, to compel creditors to show cause against distribution of estates; their liability to refund in such case.

[S B 131]

### Approved March 7, 1922.

Be it enacted by the general assembly of Virginia, That section fifty-four hundred and thirty-nine of the Code of Virginia of nineteen hundred and nineteen, relating to the proceedings of legatees or distributees to compel creditors to show cause against distribution of estate, their liability to refund in such case be amended and re-enacted so as to read as follows:

Sec. 5439. When a report of the accounts of any personal representative and of the debts and demands against his decendant's estate shall have been filed in the office of a court, whether under this chapter or in a suit in chancery, the said court or judge thereof in vacation, after one year from the qualification of the personal representative that first qualifies, may, on the motion of a legatee or distributee of his decedent, make an order for the creditors of such decedent to show cause on some day to be named in the order against the payment and delivery of the estate of the decedent to his legatees or distributees; a copy of which order shall be published once a week for four successive weeks in one or more newspapers, as the court may direct. On or after the day named in the order, the court in term, or the judge in vacation, may order the payment and delivery to the legatees or distributees of the whole or a part of the money and other estate not before distributed, with or without a refunding bond, as it may prescribe; but every legatee or distributee to whom any such payment or delivery is made, and his representatives, may, in a suit brought against him within five years afterwards, be adjudged to refund a due proportion of any debts or demands appearing against the decedent, and the costs attending their recovery.

CHAP. 138.—An ACT to allow the qualified voters of the city of Newport News, Virginia, to nominate candidates for the council by a primary election. [S B 236]

1. Be it enacted by the general assembly of Virginia, That at the election of councilmen for the city of Newport News, to be held on the second Tuesday in June, nineteen hundred and twenty-two, there shall be submitted to the qualified voters thereof, the question upon a separate ticket, on which shall be printed, and deposited in a separate box, the following words: "For a primary election for the nomination of councilmen. Against a primary election for the nomination of councilmen."

And if it shall appear by the certificate of the judges of the election that a majority of the votes cast were cast for a primary election for the nomination of councilmen, then and in that event, all elections

of councilmen hereafter by the qualified voters of the said city may be nominated by a primary of any political party that may wish to do so.

2. An emergency existing this act shall be in force from its passage.

CHAP. 139.—An ACT to amend and re-enact sections 3184, 3187, and 3188 of the Code of Virginia, as amended by an act approved March 26, 1920.

[H B 3831]

Approved March 9, 1922.

Be it enacted by the general assembly of Virginia, That sections thirty-one hundred and eighty-four, thirty-one hundred and eighty-seven, and thirty-one hundred and eighty-eight of the Code of Virginia, as amended by an act approved March twenty-sixth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Section 3184. Non-residents not allowed to catch fish for oil or manure.—No non-resident of this State shall take or catch any fish in the waters thereof for the purpose of converting the same into oil, fish scrap or manure; nor shall any non-resident be concerned or interested with any resident as partner, or otherwise, except as a stockholder in a domestic corporation, in taking or catching fish in any of the waters of this State to be manufactured into oil, fish scrap or manure, or in such manufacture. Nor shall any resident of this State be concerned or interested with any non-resident as partner, or otherwise, except as a stockholder in a domestic corporation, in taking or catching fish in any of the waters of this State to be manufactured into oil, fish scrap or manure, or in such manufacture, or knowingly permit any non-resident to use his name for either purpose. Any person violating any of the provisions of this section shall be fined not less than five hundred dollars nor exceeding two thousand dollars, and all his interest in the vessel, boat or craft, and in all purse nets, seines, fishing tackle, machinery or other thing used in taking or catching fish or manufacturing them into oil, fish scrap or manure, shall be forfeited to the Commonwealth.

Section 3187. License required for persons, firms and corporations to catch fish to be manufactured into oil, fish scrap or manure; application for license; what persons, firms and corporations may obtain license; their oaths.—Every person, firm and corporation owning a purse net, seine, or vessel of any description to be engaged in catching fish in any of the waters of this Commonwealth, or waters within the jurisdiction of this Commonwealth, to be manufactured into oil, fish scrap or manure, shall first obtain from the circuit court of the county in which the factory where such fish are to be manufactured is located, or in case of a domestic corporation, where its principal office is located, or from the judge of such court in vacation, a certificate authorizing such person, firm or corporation, to obtain from the oyster inspector of the district wherein such factory is

located or wherein such principal office is located, a license to take and catch fish within the waters of this Commonwealth or waters within the jurisdiction of this Commonwealth for the purposes aforesaid. If it be a corporation applying for such certificate, said application shall be made by an officer or one of the directors of such corporation. Before granting such certificate the court, or judge thereof in vacation, shall require the person, or persons applying for the same to disclose on oath—

First. The true name or names of the person or persons, firm or corporation owning the purse net, seine, vessel or water craft, and all the apparatus thereunto belonging, for which license to take and catch fish in the waters aforesaid is desired, and, if it be a firm, the true names of all the members of such firm, and if a corporation whether the same be a domestic or foreign corporation.

Second. That all such persons and firm members are, and have been for twelve months next preceding, bona fide residents of the

State of Virginia.

Third. The name of each and every vessel, steamer or other water craft, for which license to take and catch fish for the purposes aforesaid is desired.

Fourth. That the owners of such purse net, seine, vessel or other water craft, will not be concerned or interested with any non-resident of this State, except as stockholders in domestic corporations, in taking or catching fish in the waters of this Commonwealth or waters within the jurisdiction of this Commonwealth, for the purpose of manufacturing the same into oil, fish scrap, or manure, or in such manufacture.

Fifth. That the nets or vessels of any description thus to be employed and for which license or licenses is, or are, desired, are not held by contract or hire, charter or other agreement, with intention to return the same at any subsequent time to any non-resident person, firm or corporation.

Sixth. The place where the factory, which is to manufacture the fish so taken and caught into oil, fish scrap or manure, is located and in case of a corporation, where its principal office is located.

Seventh. That during the period of the license the owners of the purse net, seine, vessel or other water craft so to be employed will not violate any of the laws of this State in regard to the taking

and catching of fish in the waters thereof.

Section 3188. How application for license contested; court or judge to be fully satisfied that applicant has complied with the law; certificate.—Any person interested in the taking and catching of fish to be manufactured into oil, fish scrap or manure, or in such manufacture, may enter himself a party defendent to such application, and may oppose the granting of such certificate, in which case the court, or judge thereof in vacation, shall hear evidence for and against the same. No such application shall be made before the judge of any court in vacation until notice that such application will be made shall have been posted for at least ten days prior thereto at three or more



public places in the county in which the factory, which is to manufacture such fish into oil, fish scrap or manure, as aforesaid, is All such notices shall be posted in a conspicuous place and state the time and place of the intended application. the hearing of such application, if the court or judge thereof in vacation shall be fully satisfied that the person or persons owning such purse net, seine, vessel, steamer or other water craft, for which license is desired, have all been bona fide residents of the State of Virginia for at least twelve months next preceding the time of the application, and if the owner be a firm, that all the members of such firm have been bona fide residents of this State for the period above mentioned; that all the purse nets, seines, vessels, steamers or other water craft, and all the apparatus thereunto belonging, for which license, or licenses, is, or are, desired, are owned exclusively by such bona fide residents of the State of Virginia and that no non-resident of the State of Virginia or person who has not resided in this State for at least twelve months next preceding is concerned or interested with the applicant, either as partner, or otherwise, except as a stockholder in a domestic corporation, in the taking or catching of fish in any of the waters of this State to be manufactured into oil, fish scrap or manure, or in such manufacture; that the factory at which such fish are to be so manufactured is owned and controlled exclusively by bona fide residents of this State, and that no person who has not been a bona fide resident of this State for at least twelve months preceding is concerned or interested therein, as partner, or otherwise, except as a stockholder in a domestic corporation, that the seine, purse net, vessel, steamer or other water craft for which license is desired is not held by contract of hire, charter or other agreement, with intention to return the same at any subsequent time to any non-resident person, firm or corporation; that all the disclosures, required by the preceding section to be made under the oath of the person making such application, are true; and that none of the laws of this State designed to prohibit non-residents from fishing or being interested in the taking or catching of fish, in the waters thereof to be manufactured into oil, fish scrap or manure, or in such manufacture, will be violated or evaded by the granting of such license, then the said court, or judge thereof in vacation, shall grant a certificate to the owner of such purse net, seine, vessel, steamer or other water craft, authorizing the oyster inspector mentioned in section thirty-one hundred and eighty-seven to issue to said owner a license for each of the purse nets, seines, vessels, steamers or other water craft, for which license is desired, and which is entitled to be licensed. Non-residents may be stockholders in domestic corporations authorized to take and catch fish to be manufactured into oil, fish scrap or manure and to engage in such manufacture.

CHAP. 140.—An ACT to amend and re-enact section 78 of the Code of Virginia. Approved March 9, 1922.

Be it enacted by the general assembly of Virginia, That section seventy-eight of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 78. When members of the House of Delegates elected; apportionment therefor.—The members of the House of Delegates shall be elected on the Tuesday succeeding the first Monday in November, nineteen hundred and twenty-three, and biennially thereafter on the Tuesday succeeding the first Monday in November, and be distributed and apportioned as follows:

Accomac shall have one delegate.

Albemarle, Charlottesville and Greene shall have two delegates.

Alexandria city shall have one delegate.

Arlington shall have one delegate.

Alleghany and Clifton Forge shall have one delegate.

Amherst shall have one delegate.

Appomattox and Buckingham shall have one delegate.

Nottoway and Amelia shall have one delegate. Augusta and Staunton shall have two delegates.

Bedford shall have one delegate.

Bedford, Franklin and Floyd shall have one delegate.

Botetourt and Craig shall have one delegate.

Brunswick shall have one delegate.

Cumberland and Prince Edward shall have one delegate.

Campbell shall have one delegate.

Caroline and King George shall have one delegate.

Carroll shall have one delegate. Charlotte shall have one delegate.

Chesterfield and Powhatan shall have one delegate.

Clarke, Frederick and Winchester shall have one delegate.

Orange and Madison shall have one delegate.

Dinwiddie shall have one delegate.

Elizabeth City and the city of Hampton shall have one delegate.

Fairfax shall have one delegate.

Fauguier shall have one delegate. Franklin shall have one delegate.

Giles and Bland shall have one delegate.

Gloucester and Mathews shall have one delegate.

Goochland and Fluvanna shall have one delegate.

Grayson shall have one delegate. Halifax shall have two delegates.

Hanover and King William shall have one delegate.

Henrico shall have one delegate.

Henry shall have one delegate.

Isle of Wight shall have one delegate.

King and Queen, Essex and Middlesex shall have one delegate. Lancaster and Richmond counties shall have one delegate.

Lee shall have one delegate.

Loudoun shall have one delegate.

Louisa shall have one delegate.

Lunenburg shall have one delegate.

Lynchburg shall have one delegate.

Rappahannock and Culpeper shall have one delegate.

Mecklenburg shall have one delegate.

Montgomery and Radford shall have one delegate.

Nansemond and Suffolk shall have one delegate.

Nelson shall have one delegate.

Newport News shall have one delegate. .

New Kent, Charles City, James City, York and city of Williamsburg shall have one delegate.

Norfolk city shall have four delegates. Norfolk county shall have two delegates.

Princess Anne shall have one delegate.

Northampton and Accomac shall have one delegate.

Northumberland and Westmoreland shall have one delegate.

Patrick shall have one delegate.

Pittsylvania and Danville shall have three delegates.

Petersburg shall have one delegate.

Portsmouth shall have two delegates.

Pulaski shall have one delegate.

Richmond city shall have six delegates.

Roanoke city shall have two delegates. Roanoke county shall have one delegate.

Rockbridge and Buena Vista shall have one delegate.

Rockbridge, Buena Vista, Bath and Highland shall have one delegate.

Rockingham and Harrisonburg shall have two delegates.

Page and Warren shall have one delegate.

Russell shall have one delegate.

Russell and Buchanan shall have one delegate.

Scott shall have one delegate.

Shenandoah shall have one delegate.

Smyth shall have one delegate.

Southampton shall have one delegate.

Spotsylvania and Fredericksburg shall have one delegate.

Stafford and Prince William shall have one delegate.

Surry, Prince George and Hopewell shall have one delegate.

Sussex and Greensville shall have one delegate.

Tazewell shall have one delegate.

Washington and Bristol shall have two delegates.

Warwick and Newport News shall have one delegate.

Wise shall have one delegate.

Wise and Dickenson shall have one delegate.

Wythe shall have one delegate.

CHAP. 141.—An ACT to provide for the use or disposition of parts of the turnpike road from Rustburg to Lynchburg in Campbell county not taken over or used by the State highway commission in the State highway system.

[S B 302]

#### Approved March 9, 1922.

Be it enacted by the general assembly of Virginia:

1. So much of the turnpike road in Campbell county from Rustburg to Lynchburg as lies between the main street of Rustburg and its junction with the new State highway just north of the foot of the first hill beyond the Norfolk and Western railroad towards Lynchburg shall be allowed to remain as a public road and may be used as such by all persons.

2. Such other parts of the said turnpike road as are not taken over or used by the State highway commission as and for parts of the State highway system between Rustburg and Lynchburg subject to any necessary rights of outlet over same to State highway shall revert to and become the property of the owners of the lands abutting upon the said parts of the said turnpike road not so taken over or used.

CHAP. 142.—An ACT creating the office of assistant attorney for the Commonwealth for the city of Norfolk, Virginia, and providing for his appointment and duties.

[S B 373]

Approved March 9, 1922.

1. Be it enacted by the general assembly of Virginia, That there shall be an assistant attorney for the Commonwealth for the city of Norfolk, Virginia, who shall be a resident citizen of said city, and shall have been admitted to practice in the courts of the Commonwealth. He shall be appointed by the attorney for the Commonwealth for the said city of Norfolk, to serve at the pleasure of said attorney for the Commonwealth, and shall qualify in the manner prescribed by law for said attorney for the Commonwealth.

He shall, so far as required by said attorney for the Commonwealth for the city of Norfolk, discharge and perform any of the duties now and hereafter imposed by law upon said attorney for the Commonwealth, and in the discharge of said duties, shall be under the direction and control of said attorney for the Commonwealth.

He shall receive such compensation as may be fixed by said attorney for the Commonwealth for the city of Norfolk, and is to be paid out of the compensation allowed by law to said attorney for the Commonwealth.

2. An emergency existing by reason of the necessity for the establishment of said office this act shall take effect from the date of its passage.

CHAP. 143.—An ACT to amend and re-enact an act entitled an act relating to contracts for text books adopted for use in the public free schools of the Commonwealth, approved March 11, 1915; and to repeal section 611 of the Code of Virginia. [S B 142]

Approved March 9, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act relating to contracts for text books adopted for use in the public free schools of the Commonwealth, approved March eleventh, nineteen hundred and fifteen, be amended and re-enacted so as to read as follows:

Section 1. The State board of education shall select text books and educational appliances for use in the public schools in the State of Virginia, exercising such discretion as it may see fit in the selection of books suitable for schools in the cities and counties, respectively, subject to the conditions and restrictions set forth in this act. But no text book which may be adopted for use in any of the public free schools in the State of Virginia shall be changed or substituted until the same shall have been used for a period of not less than four years, provided, that the State board of education may extend for a period of not less than one year the use of any adopted text book or text books on such terms as in its judgment may be for the best interest of the State.

Section 2. The State board of education shall enter into written contracts with publishers of text books adopted for use in the public free schools of the Commonwealth, the said contracts to contain the

following representations, terms and conditions, to-wit:

(1) The contract shall set forth the lowest wholesale price f. o. b. publisher at which books are sold under contracts of similar date anywhere in the United States, provided the publishers shall list with the State superintendent of public instruction the lowest wholesale prices at which the text books involved in the contract have been sold anywhere in the United States during the preceding three years. The State board may stipulate a retail price to patrons, which price shall represent a reasonable compensation for handling and distributing books, but in no case shall such retail price exceed twenty

per cent. added to the wholesale price.

(2) If, subsequent to the date of any contract entered into by the State board of education, the prices of any or all books named in the contract be reduced, or if any terms of the contract be made more favorable to purchasers anywhere in the United States under the same conditions, the same reduction and the same terms shall be granted to the State board of education of Virginia. If a publisher issue a special or other edition of any book named in the contract to be sold outside of Virginia at a lower price than offered in this State, the said publisher shall furnish the State superintendent of public instruction with a copy of said special edition, and the State board of education may, in its discretion, require the publisher to issue a similar edition for Virginia adapted in text for use in this State, and the said edition for Virginia shall be sold at the lowest price at which said special edition is sold outside the State.



- (3) In case the publisher is a foreign corporation or a nonresident of this State, the secretary of the Commonwealth shall be appointed as agent upon whom process may be served against the publisher in case any legal proceedings be commenced to enforce any rights or claims under said contract.
- (4) The publisher entering into any contract with the State board of education shall furnish sample copies of all books mentioned in said contract, and shall guarantee that the books furnished by him under the contract shall be equal in all respects to such sample copies.
- (5) Each contract made with the publisher of text books shall be accompanied by a bond with good and sufficient surety in the penal sum of not less than one thousand dollars nor more than twenty thousand dollars, to be approved by the State board of education, and to be conditioned upon the performance of all the terms and conditions of said contract and the payment of liquidated damages as hereinafter provided for, and any damage in excess thereof which may be proved to be sustained by reason of the violation of such terms and conditions.
- (6) Upon the discovery of any misrepresentation of fact in said contract, or upon the violation of any of the terms and conditions herein contained, the publisher shall, upon the demand of the State board of education, pay as liquidated damages the sum of one thousand dollars to the Commonwealth of Virginia to the credit of its literary fund, and in all cases of such violation the said board of education may, in its discretion, in addition to its demand for liquidated damages, as aforesaid, declare said contract null and void.
- (7) The superintendent of public instruction shall take care that all the representations, terms and conditions of said contract are complied with, and shall report all violations of the same to the State board of education, and if said board be of the opinion that public interest so require, it shall instruct the attorney general to institute such legal proceedings as he may deem proper in the premises.
- Section 3. The State board of education may provide in contracts with publishers that said publishers shall sell direct to local school boards at the wholesale price, f. o. b. named in the contract, and it shall require said publishers to furnish an adequate supply of texts under the terms of the contract. The State board may also stipulate that the local school board may, if it so desires, in turn furnish text books to the children of the school free of cost, or at the wholesale price at which books are purchased or at such wholesale prices plus the cost of transportation and distribution. The State board of education may stipulate also that county and city school boards shall designate certain agents for the purchase and the proper distribution of said text books, but no agent thus designated shall be permitted to fix a retail price in excess of twenty per cent. added to the wholesale price, f. o. b. publisher. The agents thus designated by the local school board may be required to give reasonable bond guaranteeing the prompt ordering of books and an ample supply



to meet the requirements of the schools, at prices not to exceed twenty

per cent. added to the wholesale price f. o. b. publisher.

Section 4. On or before June first of each year each division superintendent shall make up a requisition covering all text books needed
for the supply of the schools at the opening of the following session.
Such requisition shall be based on detailed reports from teachers, or
from any other responsible sources of information which may be used.
A copy of this requisition shall be sent to the State superintendent
of public instruction and a copy shall be furnished to each of the local
dealers when such dealers are designated by local school boards to
handle text books. In cases where several dealers are designated in
one county the division superintendent shall furnish to each one of
such dealers a requisition for all books which will be required in the
territory to be served by such dealers.

Section 5. The local school board and the division superintendent shall see to it that appropriate orders for books are forwarded to each publisher either directly from the school board or through designated agencies not later than June tenth of each year. In all cases where these orders are not promptly and completely filled by publishers, report shall be made by the division superintendent to the State superintendent of public instruction who shall immediately report all particulars to the State board of education for any action

it may deem proper to take.

Section 6. The State board of education may, in its discretion, authorize a central depository, provided such depository be operated under the general control of the State board of education. In case such a depository be established or maintained, then orders from local school boards or from local agents of such boards may be required to be filled with the depository, rather than with the publishers; but nothing in this section shall prohibit special orders of books from being filled directly by publishers.

Section 7. It shall be the duty of each division superintendent to report to the State superintendent of public instruction any departures from contract prices charged by local dealers or agents, and to report also any failure of publishers to comply with all conditions

set forth in the contract.

2. Section six hundred and eleven of the Code of Virginia is hereby repealed.

3. An emergency existing this act is declared to be in effect from its passage.

CHAP. 144.—An ACT to amend and re-enact an act entitled an act to define the status of persons having their actual or habitual places of abode in this State for the larger portion of the twelve months preceding the first day of February in each year, for purposes of taxation, approved March 16, 1918, and acts amendatory thereof. [S B 291]

### Approved March 9, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to define the status of persons having their actual

or habitual places of abode in this State for the longer portion of the twelve months preceding the first day of February in each year, for purposes of taxation, approved March sixteenth, one thousand, nine hundred and eighteen, and acts amendatory thereof, be amended and re-enacted so as to read as follows:

A person who has had his actual or habitual place of abode in this State for the longer portion of the twelve months next preceding the first day of February in each year shall be deemed a resident of this State for the purpose of taxation, and the personal property, money and income which he is required by law to list shall be taxable in this State, unless on or before that day he has changed his place of abode to a place without this State with the bona fide intention of continuing actually to abide permanently without this State. The fact that a person who has so changed his actual place of abode, within six months from so doing, again abides within this State, shall be prima facie evidence that he did not intend permanently to have his actual place of abode without this State. Such person so changing his actual place of abode and not intending permanently to continue it without this State, and not having listed his property for taxation as a resident of this State, for the purpose of having his personal property, money and income listed for taxation within this State, shall be deemed to have resided on the day when such property should have been listed, at his last actual or habitual place of abode within this State. The fact that a person whose actual or habitual place of abode during the greater portion of such twelve months has been within this State, does not claim or exercise the right to vote at public elections within this State, shall not, of itself, constitute him a non-resident of this State within the meaning of this act. A person or property subject to taxation within the State shall not be relieved therefrom by the provisions of this act, nor shall any provision of this act repeal any statute now in force as to the taxation of personal property.

CHAP. 145.—An ACT designating that part of primary road, No. 9, of the State highway system from Richmond to Staunton as the Jefferson highway.

[S B 292]

### Approved March 9, 1922.

1. Be it enacted by the general assembly of Virginia, That that part of primary road No. 9 of the State highway system, as established by an act approved January thirty-first, nineteen hundred and eighteen, leading from Richmond through Mineral, Louisa, Trevilians, Cobham, Charlottesville, Afton, Waynesboro to Staunton, is hereby designated, and shall be hereafter known as, The Jefferson Highway.

CHAP. 146.—An ACT to authorize the board of supervisors of Botetourt county to borrow ten thousand dollars for the purpose of refunding bonds issued by said board of supervisors January 1, 1904, for the purpose of building a bridge across James river in that county, and to issue bonds of the said county therefor.

[S B 338]

### Approved March 9, 1922.

Whereas the board of supervisors of Botetourt county, under an act of the general assembly of Virginia approved April fourteenth, nineteen hundred and three, issued certain bonds of the said county amounting to ten thousand dollars for the purpose of building a bridge across James river at Glen Wilton, in said county, payable not exceeding twenty years from their date, and

Whereas said bonds will mature and become payable January

first, nineteen twenty-four. Therefore:

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Botetourt be, and hereby is, authorized and empowered to borrow a sum of money not exceeding ten thousand dollars for and in the name of the said county, to refund the bonds issued by said board of supervisors, as aforesaid, and to issue bonds of said county for the loan thereof and they may appoint an agent, or agents, to negotiate the loan of the said sum of money. Said bonds may be either registered or with coupons attached, as said board of supervisors may prescribe, shall be signed by the chairman of the said board of supervisors; and be countersigned by the clerk thereof; shall be in denominations of one hundred dollars, or some multiple thereof; shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually at the office of the treasurer of said county, and shall be payable not exceeding twenty-five years from the date thereof at said office, but may, in the discretion of said board, be redeemable at such time or after such period as the said board may prescribe; but no bonds issued under this act shall be sold or negotiated at less than par. At the time at which the said board of supervisors makes its annual levy for the said county, it shall levy on all the real and tangible personal property in said county liable to State tax and county or district levies, such tax to pay the interest on the bonds of the county so issued, and to create a sinking fund to redeem the principle thereof, as said board of supervisors may deem necessary or proper.

# Approved March 9, 1922.

1. Be it enacted by the general assembly of Virginia. That whenever a public officer, board, commission or agency requires a contractor to file with his bid for a contract a certified check, it shall be sufficient

CHAP. 147.—An ACT to authorize contractors who are required by public officers, boards, commissions or agencies to file certified checks with bids, to file bonds in lieu thereof.

[S B 199]

for such contractor to file in lieu of such certified check, a bond with some solvent guaranty company as surety, for a sum twenty per centum (20%) in excess of the amount required when a certified check is filed. The condition of such bond, when not prescribed by law, shall be prescribed by the public officer, board, commission or agency.

CHAP. 148.—An ACT to provide for the establishment of recreation centers and for the teaching of home-crafts. [S B 133]

### Approved March 9, 1922.

- 1. Be it enacted by the general assembly of Virginia, That each county or city may, on the petition of twenty voters in an election district establish in that district one or more recreation centers as hereinafter described.
- 2. Such recreation centers shall be established in a clubhouse or room provided for that purpose, or in the local schoolhouse during the hours when the rooms are not in use for school purposes, and when feasible, shall have grounds for out-door amusements. Such a recreation center shall as soon as practicable, acquire furniture, books, musical instruments, art and writing materials, equipment for home-crafts, dramatic art, kindergarten work, indoor and out-door games and moving pictures; in the order in which the need for these arises. In the event that a local schoolhouse be used, it shall be upon such terms and conditions as may be prescribed by the local board of school trustees.
- 3. In communities where no recreation center is established the local board of public welfare may, on the request of twenty voters in a rural election district, provide amusements, and training and practice in home-crafts in the home, through craft clubs or other means by which groups may be brought together. These crafts shall be traditional home-crafts, such as weaving, chair-caning, dyeing, carpentering, basketry, et cetera, and to provide interesting and productive occupations in the home to revive the old home-crafts in this State, and are to be supplementary to, and not to interfere with any vocational training or domestic science training administered under the Smith-Hughes act or the Smith-Lever act, or any vocational training or domestic science training whatever, already being given in the county.
- 4. The administration of this act shall be under the local board of public welfare and the direction of such recreation centers or of such home recreation shall be in the hands of the superintendent of public welfare, or in the absence of the superintendent of public welfare, of any person or persons who shall be appointed by the local board of public welfare. Such a person or persons may be local teachers or the home demonstration agent or some other responsible person, and the instruction may be given by some person in the community familiar with such crafts under their direction.



CHAP. 149.—An ACT to amend section 780 of the Code prescribing the manner of the appointment of school trustees in cities, and to validate the acts of the school board of the city of Winchester. [S B 261]

### Approved March 9, 1922.

Whereas, the school trustees in the city of Winchester have heretofore been appointed by the corporation court of said city pursuant to the provisions of an act entitled an act to repeal section seven of chapter seventy-nine of the Code and to regulate the appointment of school trustees in cities and incorporated towns of five thousand inhabitants and over, approved March fourth, eighteen hundred and eighty-four; and

Whereas, the proviso of said act, with respect to the manner of the appointment of school trustees for the city of Winchester, was un-

advisedly omitted in the enactment of the Code of 1919; and

Whereas, because of the existing arrangement between the city of Winchester and Hanley board of trustees with respect to the maintenance of the public school system of said city, it is expedient that school trustees for said city should be appointed as heretofore by said corporation court, and that all acts heretofore done by the school board of the city of Winchester be validated:

1. Be it enacted by the general assembly of Virginia, That section seven hundred and eighty of the Code of 1919 be amended

and re-enacted so as to read as follows:

Section 780. School trustees.—The council of each city shall appoint three trustees for each school district in such city, whose term of office shall be three years, respectively, and one of whom shall be appointed annually. If a vacancy occurs in the office of trustee at any time during the term, the council shall fill it by appointing another for such part of the term as has not expired. Within thirty days preceding the day on which the term of said trustees shall expire by limitation, and within the like number of days preceding the day on which the term of any trustee shall expire by limitation in any subsequent year, such council shall appoint a successor to each such trustee in office, whose term shall commence when the term of predecessor shall have expired; provided, the office of any such trustee has not been abolished in redistricting the city; and provided, further, that the corporation court for the city of Winchester shall select and appoint the school trustees for said city, and that in all other respects the provisions of this section shall apply to the city of Winchester; and

2. That all acts heretofore done by the school board of the city of Winchester are hereby validated.

3. An emergency existing, in that the doubt, if any exists, as to the manner of the selection of school trustees in the city of Winchester should be promptly removed, this act shall be in force from its passage.



CHAP. 150.—An ACT to authorize and regulate the recordation of plats subdividing tracts of land situated within the corporate limits of any city containing more than one hundred thousand inhabitants according to the last preceding United States census, or within ten miles of the corporate limits of any such city, into three or more parts for the purpose of laying out any town, or city, or any addition thereto, or any part thereof or suburban lots, and to declare the effect of such recordation; and to repeal an act entitled an act to prohibit the recordation of plats for the subdivision of land into lots showing on said plats, streets and alleys, within or within fifteen miles from, the limits of any city having a population of not less than sixty thousand nor more than one hundred and ten thousand inhabitants, except in conformity with the plan provided by such city, approved March 27, 1918.

Approved March 10, 1922.

1. Be it enacted by the general assembly of Virginia, That every owner or proprietor of any tract of land situated within the corporate limits of any city containing more than one hundred thousand inhabitants, according to the last preceding United States census, or within fifteen miles of the corporate limits or any such city, who may hereafter subdivide the same into three or more parts for the purpose of laying out any town or city, or any addition thereto, or any part thereof or suburban lots, may cause a plat of such subdivision with reference to known or permanent monuments to be made, which shall accurately describe all the subdivisions of such tracts or parcels of land, and giving the dimensions and length and breadth thereof and the breadth and courses of all the streets and alleys established therein. Descriptions of lots or parcels of lands in such subdivisions, according to the number and designation thereof on said plat, contained in conveyances or for the purpose of taxation and copies of such plats or extracts therefrom, properly attested by the clerk in whose office said plats are recorded, shall have the same force and effect as evidence that copies of deeds may have, and shall be deemed good and valid for all intents and purposes.

2. Every such plat shall contain a statement to the effect that the above or foregoing subdivision of (here insert a correct description of the land or parcel subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners and proprietors, which shall be signed by the owners and proprietors, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds, and when thus executed and acknowledged said plat, subject to the provisions contained in section four of this act, shall be filed for record and be recorded in the

office of the clerk of the proper court of the county or city.

3. The recordation of such plat shall operate to transfer, in fee simple, to the Commonwealth of Virginia such portion of the premises platted as is on such plat set apart for streets or other public use and to create a public right of passage over the same; but nothing herein contained shall prevent the persons who set apart such land for streets and alleys, their heirs and assigns, where otherwise they have the right and power to erect, put down, and maintain a gas, water and electric works, pipes, wires and fixtures, from erecting,

putting down and maintaining the same along or under the portions so set apart. They shall not, however, obstruct or hinder the passage over such streets or alleys further than is reasonably necessary while laying down, erecting, or repairing such works, pipes, wires and fixtures.

4. No such plat, however, shall be recorded by the clerk of any court of this Commonwealth, until the dimensions and location of any such streets, alleys, or lots, as indicated on said plat, shall be approved by the city engineer of said city, if the land be situated entirely within said city, or if said land or part thereof be in a county, by the city engineer of the city adjoining and by the board of supervisors or the engineer of roads of the county (or if there be no engineer of roads of such county, by the county surveyor of such county), or if said city engineer and the board of supervisors or road engineer, or county surveyor, as the case may be, fail to agree or to act within the hereinafter mentioned time after application thereto by the party interested, by the judge of the circuit court of the county wherein said land or part thereof lies; provided, however, that this section shall apply only after such city shall place on file accessible to the public in the city engineer's office, a map covering the location in question, officially approved by said city, showing in general a comprehensive plan for the future development and laying out of its main proposed thoroughfare, or thoroughfares, which plan may be subject to reservations, conditions and exceptions as in the judgment of the city is wise, including the right to make such reasonable and suitable modifications thereof as may be needful in the judgment of the said city.

Any persons desiring to have a subdivision plat certified, as herein provided, where the platted property lines wholly or partly within a county, shall apply therefor and file a copy thereof with the officers aforesaid who are to act hereunder; and if the same be not acted upon as herein provided, either favorably or unfavorably, within thirty days after the same is filed then the judge of the court aforesaid, upon not less than ten days' previous notice to said city by the applicant, shall have jurisdiction of such application and dispose thereof, in his discretion, in accordance herewith; and on a hearing thereof, the judge shall enter an order of record either approving or disapproving such plan as being either in conformity with or not in conformity with said plan of said city, which order shall state the facts and be a matter of permanent record of said court. And upon an order of approval so entered the clerk shall record the plat. Should the officers in the first instance disapprove the application, the applicant shall be entitled to an appeal to the said court, under such reasonable rules in relation thereto as the court shall allow. If the property in question lies wholly within the city, then the circuit court of the city shall have jurisdiction in the same manner as is herein provided for the said circuit court of said county or counties. No plat subdividing any tract of land situated within the corporate limits of any city containing more than thirty thousand inhabitants



according to the last preceding United States census, or within ten miles of any such city, into three or more parts for the purpose of laying out any town or city, or any addition thereto, or any part thereof or suburban lots, shall hereafter be recorded except in con-

formity with the provisions of this act.

- 5. Any such plat may be vacated by the proprietors thereof, at any time before the sale of any lot therein, by a written instrument, declaring the same to be vacated, duly executed, acknowledged or proved and recorded in the same office with the plat to be vacated, and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest such proprietors with the title to, the streets, alleys, commons, and public grounds laid out or described in such plat. In cases where lots have been sold, the plat or part thereof, may be vacated upon the application of all the owners of lots in said plat and with the approval of the city and county officers mentioned in section four of this act and the approval of said officers shall be obtained as provided in said section four for the approval and recordation of the original, and shall not be vacated otherwise.
- 6. The clerk of the circuit court of the county or corporation court of the city in whose office the plats aforesaid are recorded shall write in plain legible letters across the plat so vacated the word "vacated," and also make a reference on the same to the volume and page in which said instrument of vacation is recorded.
- 7. An act entitled an act to prohibit the recordation of plats for the subdivision of land into lots showing on said plats, streets and alleys, within or within fifteen miles from, the limits of any city having a population of not less than sixty thousand nor more than one hundred and ten thousand inhabitants, except in conformity with the plan provided by such city, approved March twenty-seventh, nineteen hundred and eighteen, is hereby repealed.

CHAP. 151.—An ACT to provide for the erection of a fire-proof State office building, and the assignment of offices therein. [H B 350]

#### Approved March 10, 1922.

1. Be it enacted by the general assembly of Virginia, That for the purposes of this act, there is hereby created a board of building commissioners. Said board shall consist of the governor (who shall be chairman thereof) the lieutenant governor, the speaker of the house of delegates, one from among the membership of the senate, to be appointed by the president of the senate, and one from among the membership of the house of delegates to be appointed by the speaker of the house of delegates. The said board of building commissioners shall have the powers and duties hereinafter prescribed. The members thereof shall receive no compensation for serving thereon, but shall be entitled to be reimbursed for their actual travel-

ing and hotel expenses incurred in attending meetings of the board.

They shall elect one of their number secretary.

- The said board shall proceed with all reasonable dispatch. under contract or contracts with the lowest responsible bidder or bidders, to cause to be erected upon the ground of the capitol square, in the southeastern corner thereof, or upon such site as may be selected by said board, without any additional cost to the State, a complete fire-proof State office building, according to the plans and specifications to be submitted to and approved by said board; provided, that the cost of said building shall not exceed the sum of seven hundred and fifty thousand dollars. The said board shall select a professional architect, at a reasonable compensation, to advise with it in all the details of said building and to superintend its erection. But it is expressly provided that when the said building or any part thereof is let to contract the said board shall first require the contractor or contractors to enter into bond with sufficient penalty and with approved security, conditioned for the faithful and efficient performance of the contract on the part of said contractor or contractors.
- 3. Said building shall contain sufficient accommodations for all existing State departments, officers, boards and commissions, and such as may be reasonably expected to be added during at least the next decade due to the development and enlargement of the State's activities.
- 4. In order to obtain the money needed for the purposes of this act, the governor is hereby authorized to dispose of the bonds of the State of West Virginia received by this Commonwealth as a part of its share of the proceeds of the Virginia-West Virginia debt settlement, lately effected. Such disposition shall be made on the best terms obtainable and the money paid into the State treasury to the credit of a special fund hereby created to be known as the State office building construction fund. There is hereby directed to be transferred to the said fund the money now in the lands of the State treasurer and the auditor of public accounts received by the State from the said Virginia-West Virginia debt settlement, including interest accrued and accruing. In addition, there is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, to the said State office building construction fund, such sum as will constitute the difference between the maximum amount authorized to be expended under this act and the amounts above provided for the said State office building construction fund. But nothing in this section contained shall be construed as authorizing the expenditure of such maximum unless it be necessary to carry out the purposes of this act.

5. All moneys paid out of the State office building construction fund shall be paid by the treasurer of Virginia on warrants of the auditor of public accounts issued on certificates signed by the chairman and countersigned by the secretary of the board of building commissioners.

6. After the said building shall have been completed, offices therein shall be assigned by the governor and register of the land

office and superintendent of grounds and buildings to all or any number of the said State departments, officers, boards and commissions.

CHAP. 152.—An ACT to amend and re-enact section 2769 of the Code of Virginia, as amended by an act approved March 20, 1920. [H B 137]

### Approved March 10, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-seven hundred and sixty-nine of the Code of Virginia, as amended by an act approved March twentieth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Section 2769. Compensation of supervisors.—Each member of the board of supervisors shall be allowed, and paid out of the county levy, a compensation for his services in attending the meetings of the board and in discharging such other duties as may be imposed upon him by law at a rate of not exceeding six dollars per diem for the time he shall be actually so employed, and five cents for each mile of travel in going to and returning from the place of meeting of said board, but no per diem allowance shall be made for any time occupied in traveling where mileage is allowed therefor, and only one mileage shall be allowed for any one term of meeting of such board. No supervisor shall draw pay for more than eighteen days in counties of ten thousand population and less, except that supervisors in the county of Dickenson may draw pay for not more than twenty-five days: nor shall he draw pay for more than twenty-five days in counties of more than ten thousand and less than thirty thousand population, nor shall he draw pay for more than thirty days in counties of thirty thousand population and not over forty thousand, and counties of over forty thousand population he shall draw pay for not more than forty days in any one year; provided, that the provisions of this section shall not prevent supervisors in the counties which have special road laws from receiving additional compensation for services in connection with road work done under said special road laws now existing, or as hereafter amended, if such compensation be allowed in such special road law. But nothing in this act shall allow a member of the board of supervisors to draw pay on the same day for services as supervisor and as inspector or commissioner of roads or construction of bridges. The supervisors of Henrico and Alexandria counties, however, with the consent of the circuit court of the said county, may receive as much as three hundred dollars each per annum, and the supervisors of the counties of Chesterfield and Henry, with the consent of the circuit court of said county, may receive as much as two hundred dollars each per annum, and mileage as above provided; and the supervisors of the county of Rockingham, with the consent of the circuit court of said county, may receive as much as one hundred and seventy-five dollars each per annum and mileage as above provided, and the supervisors of the county of Shenandoah, with the consent of the circuit court of the said county.



may receive as much as one hundred and seventy-five dollars each per annum, and mileage as above provided. Furthermore, each member of the board of supervisors of Stafford, King George, Isle of Wight, Nansemond, Prince Edward, Prince William, Northampton, James City, New Kent, Charles City, York, Warwick, Hanover, Gloucester, Scott, Russell, Surry and Prince George and Craig counties may be paid as compensation for his services in the supervision of the opening and repair of the public roads or construction and repair of bridges of said counties not exceeding five dollars per diem for the time he shall be necessarily so employed; provided, that the supervisors of Culpeper county may receive three dollars per day when so engaged; but no supervisor shall receive for such services compensation to exceed one hundred and fifty dollars per annum in addition to the amount allowed by law for other services. In the county of Augusta any supervisor may, with the consent of the circuit court, be paid as compensation for his services as assistant to the superintendent of roads in the supervision or construction and repair of public roads or bridges, or for any special duties imposed upon him by the board of supervisors, at the rate of four dollars per diem for the time actually engaged, with mileage, as provided for regular service, but this extra compensation shall not exceed the sum of three hundred dollars per year for any one supervisor, and the supervisors of the county of Norfolk may receive an amount not exceeding five hundred dollars each per annum and mileage as herein provided.

Any supervisor of Orange county may act as road commissioner for his district and shall be paid for his services not exceeding one dollar and fifty cents per day, but the entire compensation shall not exceed three hundred dollars per annum and this shall apply only to districts having a road fund which does not exceed two thousand dollars. Each supervisor of the counties of Buchanan, Mecklenburg and Sussex may in addition to mileage receive the sum of eight dollars per day during the time the board of said counties are in actual session, and each supervisor of Pittsylvania county may act as road commissioner for his magisterial district in supervising road construction and maintenance and may receive as such six dollars per day for not exceeding fifty days in any one year, and for services as supervisor while the board is in actual session, he shall receive six dollars per day for not exceeding fifteen days for any one year and mileage as herein provided.

CHAP. 153.—An ACT authorizing the board of supervisors of Russell county to borrow money, not to exceed \$50,000, for the purpose of making improvements to the court house and jail in said county.

[H B 320]

#### Approved March 10, 1922.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Russell county be authorized and empowered

to borrow money, not to exceed fifty thousand dollars, the proceeds of such loan to be used in making improvements to the court house

and jail in said county.

2. The said loan shall be effected by issuing the bonds of the said county, signed by the chairman and the clerk of the board of supervisors; they shall be in denominations of one hundred dollars and multiples thereof; they shall bear interest at a rate not exceeding six per centum per annum; and they shall be made to mature at the end of twenty years from their date, or at such other time or times as the said board may prescribe. The said bonds shall be a lien on all the taxable property in said county.

3. The said board shall have full power to negotiate the said bonds through an agent or by such other method as in its discretion may seem best; provided, however, that the said bonds shall be so

negotiated for no less than their normal or par value.

4. After issuing the bonds, or any of them, provided for in this act, when the first levy is made by the board of supervisors, a tax shall be levied on all property subject to county taxation in said county, to pay interest on the bonds so issued and to create a sinking fund to redeem the principle thereof at maturity; and from year to year such levies shall be made on such property in said county until such debt, together with the interest thereon, is paid.

5. An emergency existing, this act shall be in force from its

passage.

CHAP. 154.—An ACT to authorize and empower the council of the town of Altavista, in the county of Campbell, to borrow money and issue bonds for the enlargement and other improvement of its water supply system, sewers and streets.

[S B 369]

Approved March 10, 1922.

1. Be it enacted by the general assembly of Virginia, That the council of the town of Altavista, in the county of Campbell, be, and it is, hereby authorized to borrow money for said town not exceeding one hundred and twenty-five thousand dollars for the purpose of enlarging and improving its water supply and for extending and improving its water mains and sewers by the issuing of bonds of the corporation for the said aggregate of not exceeding one hundred and twenty-five thousand dollars, with the entire indebtedness of said town not exceeding the constitutional limitation, provided that not exceeding twenty-five thousand dollars of the proceeds of the aforesaid bond issue of one hundred and twenty-five thousand dollars may be used in the discretion of the council of the said town in and about the repair, extension and other improvement of the street system of the said town and of the public roads leading thereto.

2. The said bonds shall be registered or coupon as the said council may determine, and shall be issued in denominations of one hundred dollars, or any multiple thereof, as the council may prescribe, and shall bear interest at a rate not to exceed six per centum per annum, payable annually or semi-annually, as the said council shall



prescribe. The principal of the said bonds shall be payable thirty years after date, but in the discretion of the council of said town may be redeemed at any time after twenty years and before maturity.

3. The said bonds shall be signed by the mayor of said town whose signature shall be attested by the clerk of said council with the corporate seal attached, and shall be sold and negotiated in such manner and upon such terms as the council shall prescribe; provided, that said bonds shall not be sold at less than their par value, when bearing interest as great as six per centum per annum. The council shall have power to make annual appropriations out of the revenue of the corporation to pay the interest on said bonds and to provide a sinking fund for the redemption of said bonds when due, or when redeemed before maturity as aforesaid, and if necessary shall levy a special tax on all property subject to local taxation within the limits of said town for said purposes.

4. Nothing herein shall authorize the issuing of bonds herein mentioned until an election shall be held in said town for the purpose of deciding upon the question of this bond issue, said election to be held under the terms of the general law prescribing the method of holding elections in towns for the purpose of deciding upon the

question of bond issues.

5. This act shall not be construed to take from the said town of Altavista the right to issue bonds under the general laws for the issuance of bonds by towns.

CHAP. 155.—An ACT to amend sections 80, 81, and 82 of the charter of the city of Portsmouth approved March 10, 1908, to provide for a sinking fund and the management thereof by a board of sinking fund commissioners.

[5] B 3651

### Approved March 10, 1922.

1. Be it enacted by the general assembly of Virginia, That sections eighty, eighty-one and eighty-two be amended so as to read as follows:

Section 80. For the redemption at maturity of such bonds, excepting serial bonds, as may have been heretofore issued by the city of Portsmouth, it shall be the duty of the council of said city to provide and the city treasurer to set aside annually a sum equal to one and one-half per cent. of the par value of said bonds; and for the redemption at maturity of such bonds as may hereafter be issued by the city of Portsmouth, it shall be the duty of the council of said city to provide and the city treasurer to set aside annually a sum sufficient to retire said bonds at maturity; and the superintendent of the water department shall pay unto the city treasurer annually a sum equal to one and one-half per cent of the par value of all outstanding bonds, excepting serial bonds, issued for the purpose of providing for and purchasing the water works property of the city. The said sum so set aside shall be under the supervision and management of a board of sinking fund commissioners, composed of the

president of the city council, the chairman of the finance committee of the council, the city treasurer, and two qualified citizens residing in the said city to be appointed by the judge of the court of hustings for the city of Portsmouth. The terms of office of the members appointed by the judge of the court of hustings for the city of Portsmouth shall be for a period of four years, and shall commence on the first day of July, nineteen hundred and twenty-two, excepting that of the first two members appointed, one shall hold office for a term of two years, and thereafter one member shall be appointed every two years by the judge of said court. The members of said board shall serve without compensation and should vacancies occur in the office of the two appointed members the said vacancies shall be filled by appointment by the judge of the said court.

Section 81. The treasurer of the city shall act as treasurer of the board of sinking fund commissioners, and shall be custodian of all sums and securities held in the sinking fund, and shall give such bond as may be required by the council of the city. He shall keep a book or books in which shall be recorded a statement of all assets, and an account of all receipts and disbursements of the sinking fund, and such other matters pertaining thereto as may be prescribed by ordinance. He shall receive no fees for the management of said fund, but only such compensation as may be allowed by the council of the city. The books of the treasurer shall at all times be open for inspection to the members of the board and the council of the city, and the treasurer shall furnish the board detailed statements whenever they desire the same. The treasurer shall before the fifteenth day of January of each year furnish the council of the city a full, detailed statement of the sinking fund, showing the amount and character of its securities, and its receipts and disbursements for the preceding year. The funds and other securities belonging to the sinking fund shall be deposited in such banks doing business in the city of Portsmouth as may be selected by the city council, and the same can be withdrawn only upon the order of the treasurer approved and certified by a member to be selected by the board as its president.

Section 82. The sinking fund shall be under the control and management of the board of sinking fund commissioners, and to that end they are made a body politic with the right to sue and be sued for the recovery of any fund or securities belonging to the sinking fund. The sinking fund shall be used for the sole purpose of paying at maturity the bonded debt of the city, and the fund paid into the treasury by the superintendent of the water department shall be used only for the payment of the bonds issued for the purpose of providing for and purchasing the water works property of the city. The sinking fund shall be invested in good interest bearing securities, consisting of bonds of the city of Portsmouth, the United States of America, the State of Virginia, or of municipalities which provide for and protect a sinking fund to a degree at least equal to that of the city of Portsmouth. The council of the city shall at no time diminish the resources of the sinking fund, but may, if it sees fit, increase the

e per legis legendage en legis

same. Should any of the bonds of the city fall due without a sufficient amount in the sinking fund to provide for the same such fact shall be certified by the board of sinking fund commissioners to the city council who shall make provision for retiring the same. It shall be unlawful for any member of the board of sinking fund commissioners to hereafter purchase directly or indirectly any bonds of the city or other securities for the purpose of selling them to the board of sinking fund commissioners, or having the same paid at their maturity whereby he shall receive any profit from the same except the regular rate of interest drawn on such securities. Any member of the board who shall violate this provision shall thereby vacate his office and any other office held by him in the city of Portsmouth, and may be punished in such manner as may be prescribed by ordinance of the city, not to exceed, however, imprisonment in jail for more than twelve months.

Section 82-A. All acts or parts of acts in conflict herewith are hereby repealed.

CHAP. 156.—An ACT to authorize the board of supervisors of Bath county to issue bonds or other obligations of said county for a sum not exceeding one hundred thousand dollars, for the purpose of financing road construction in said county and to levy taxes to pay the interest thereon and to create a sinking fund for the payment of the principal thereof at maturity.

[S. R. 306]

# Approved March 10, 1922.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Bath county be, and it is hereby authorized and empowered, in its discretion, to proceed immediately or from time to time, as it may deem expedient, to issue bonds or other obligations of Bath county, not exceeding in the aggregate the sum of one hundred thousand dollars, for the purpose of providing funds to finance the construction of any road or roads in said county that it may deem best, such bonds or obligations to be payable or redeemable at such time or times, not exceeding thirty years from the date of issue, and to bear interest payable at such times and at such rate, not exceeding six per centum per annum, and to be of such denominations, and either coupon or registered, as the said board of supervisors may determine. The sale of such bonds or obligations may be conducted and effected in such manner as the said board of supervisors may determine; provided, they shall not be sold for less than their par value.

2. The said board of supervisors shall annually levy a tax upon all the real and tangible personal property within the said county or of any district or districts in said county as to part or parts of said sum said board shall deem best, subject to taxation for such purposes, at such rate as will be sufficient to pay the interest on said bonds, or obligations, and to create a sinking fund for the payment of the principal thereof at maturity. The tax upon the whole county, however, shall not be levied unless the road or roads financed shall run

through all of the districts of the county or unless roads are financed in each district of the county out of said levy, and where the road or roads that are financed shall lie only in one or more districts, the tax shall be levied only on the district or districts through which the said road or roads are to be financed.

3. By reason of the fact that the public interest requires that said road work be commenced as soon as possible, an emergency is hereby declared to exist, and this act shall be in force from its passage.

CHAP. 157.—An ACT to authorize the town of Altavista, in the county of Campbell, to sell the McMinnis farm of about 207 acres in Pittsylvania county.

[S B 368]

Approved March 10, 1922.

Be it enacted by the general assembly of Virginia, That the town of Altavista, in the county of Campbell, acting by and through the council of the said town, is hereby authorized to sell and convey, in whole or in part and subject to such reservations as the said council may deem proper for such consideration and upon such terms as the said council may by ordinance or resolution prescribe, that certain tract of land containing two hundred and seven acres, more or less, situated and being on the Pocket Ford road in Pittsylvania county, Virginia, adjoining the lands of Hundley, Weeks and others and known as the "Old McMinnis Place," which was conveyed to the said town by two deeds, one from John L. Hurt dated May tenth, nineteen hundred and eighteen, of record in the clerk's office of Pittsylvania county in deed book one hundred and fifty-seven, page one hundred and twenty-five, and the other dated May seventeenth, nineteen hundred and eighteen, from Lucy F. Owen and others, of record in the same said clerk's office in deed book one hundred and fifty-seven, page twenty-four.

CHAP. 158.—An ACT authorizing the board of supervisors of Stafford county to discontinue the levy heretofore laid in said county known as the bridge levy upon certain conditions.

[S B 352]

### Approved March 10, 1922.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Stafford county be, and it is hereby authorized to discontinue the levy laid heretofore known as the bridge levy, after the payment of the amounts awarded by commissioners appointed by the circuit court for Spotsylvania county, to the annuitants of the Falmouth bridge, and also after the payment of any and all amounts due for bridge bonds and interest thereon of the said Falmouth bridge. And any funds remaining to the credit of the said bridge levy, after the payment of the said award and the said bonds and interest thereon, shall be converted into the county fund, at which time the said bridge levy shall be discontinued.

2. An emergency existing, this act shall be in force from its

passage.



CHAP. 159.—An ACT prohibiting any person from shooting from any duck blind belonging to another in the water of the Potomac river adjoining the county of Stafford.

[S B 351]

Approved March 10, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person, without the written consent of the owner, to shoot from any duck blind belonging to another in the waters of the Potomac river adjoining the county of Stafford.

2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and shall be fined not less than five nor more than

ten dollars.

CHAP. 160.—An ACT to authorize and empower the board of visitors of R. E. Lee Camp soldiers home to borrow the sum of ten thousand dollars for the purpose of installing a new heating plant at the soldiers home. [S B 400]

### Approved March 10, 1922.

1. Be it enacted by the general assembly of Virginia, That the board of directors of R. E. Lee Camp soldier's home is hereby authorized and empowered to borrow, for a period not exceeding two years, the sum of ten thousand dollars for the purpose of installing a new heating plant at the soldier's home in the city of Richmond, and to contract for the payment of the interest upon said debt at a rate not to exceed six per centum per annum, and to execute and deliver a note or notes for said debt.

CHAP. 161.—An ACT to validate, ratify and confirm an order for the circuit court of Greene county incorporating the town of Stanardsville in the said county; to provide that the boundaries of the said town shall be set out in said order; to validate an election held in pursuance of said order, all ordinances of the council of said town, and all official acts of the mayor of said town and its council; to provide that the said town shall have certain officers, chosen by the council, and to confer upon it certain powers concerning them; also to repeal an act entitled an act to incorporate the town of Stanardsville in the county of Greene, approved February 5, 1867, and an act entitled an act to change and define the corporate limits of the town of Stanardsville in the county of Greene and for other purposes, approved March 31, 1873.

# Approved March 10, 1922.

Whereas, the circuit court of Greene county did, upon the petition of fifty-three voters of the town of Stanardsville, after legal notice thereof had been published in the Greene County Record, a newspaper published in the said town of Stanardsville, for four successive weeks beginning March 3, 1921, and ending March 24, 1921, enter an order on April 18, 1921, incorporating said town of Stanardsville in pursuance of section twenty-eight hundred and eighty-one of the Code of Virginia, and did declare the boundaries of the said town to be as follows: "Beginning at the middle of Mallory's ice pond at the public road leading from Stanardsville to Beazley's old mill, thence to the south of Zirkle Blakey's barn, to a tree south of Cap Mc-

Mullan's dwelling and near his corn house, thence following his road or outlet to the pike just above Jack Cooper's, thence to the northeast corner of Dr. E. D. Davis' lot, thence to C. L. Bicker's barn, thence to the corner of the town lots sold by R. A. Breeden and the lot of William Banks, thence following the line between the said town lots and William Banks to the west side of said lots, thence to the branch where it crosses the private road leading through the old Shipp land, just south of William Kennedy's lot, then following the meanders of the said road south to the gate or bars that goes into the gate of J. A. Blakey's third field from the O. M. Bray corner, thence to O. M. Bray's barn, thence to the pike where the old road leading from Munday's now Bray's farm intersects just west of John Golden's, thence to a tree on J. M. Mallory's land, thence to a tree on J. F. Mallory's land where an old brick kiln was, thence down the middle of the ice pond to the road the beginning;" and

Whereas, in pursuance of the said order an election was held in said town for the election of a mayor and four councilmen on the 24th day of May, 1921, whereat H. W. Myers was chosen mayor and R. A. Breeden, R. C. Powell, Myron B. Bickers and Zirkle Blakey,

councilmen; and

Whereas, the said persons so elected duly qualified by taking and subscribing the oaths of office and at once entered upon the discharge of the duties of their respective offices and are still performing said duties; and

Whereas, the said town was incorporated by an act approved February 5, 1867, and on March 31, 1873, an act to change and define

the corporate limits of the said town was approved; and

Whereas, there are some slight alterations in the boundary lines of said town as specified in said court order and in the lines specified in the said act approved March 31, 1873; and

Whereas, there is a question of the legality of the order of the said

court in incorporating said town; now, therefore,

1. Be it enacted by the general assembly of Virginia: That the said order of the circuit court of Greene county be, and the same is hereby, validated, ratified and confirmed, and that the boundaries of the said town shall in all respects be as set out in the said order of the said court.

. 2. The election aforesaid, and all ordinances passed by the council of said town, and all official acts of the mayor of said town and its council not in conflict with the general laws of this Commonwealth, or its Constitution, or the Constitution of the United States, are

hereby validated.

3. The said town shall have a sergeant, clerk and treasurer and such officers as the council may deem necessary or proper, all of whom shall be chosen by the council. The council shall prescribe the duties of such officers in addition to the duties required of them by law. It shall also fix their compensation, prescribe penalties for neglect of their duties and determine which of such officers shall give bond and shall fix the penalties thereof.



4. An act entitled an act to incorporate the town of Stanards-ville in the county of Greene, approved February 5, 1867, and an act entitled an act to change and define the corporate limits of the town of Stanardsville in the county of Greene and for other purposes, approved March 31, 1873, are hereby repealed.

5. An emergency existing, this act shall be in force from its

passage.

CHAP. 162.—An ACT to amend and re-enact section 892 of the Code of 1919, relating to cedar rust and the reimbursement of counties for expenditures made in the destruction of cedar trees.

[S B 273]

### Approved March 10, 1922.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and ninety-two of the Code of Virginia, nineteen hundred and nineteen, relating to cedar rust and the reimbursement of counties for expenditures made in the destruction of cedar trees, be amended and re-enacted so as to read as follows:

Section 892. Whenever the court orders any damages paid out of the general fund of the county under the preceding section, or the county treasurer makes any payments out of the general fund of the county under section eight hundred and eighty-nine, the said county fund shall be reimbursed by a specific levy of not exceeding one dollar per acre on all apple orchards planted ten years or more, and not exceeding fifty cents per acre on all orchards planted more than two years and less than ten years, in each magisterial district in which this law shall have become operative as hereinafter provided. If a single levy does not provide a sufficient fund to reimburse the county fund for the amounts paid out as aforesaid, the levy may be repeated from time to time until the county fund is fully restored, but not more than one levy shall be made in any one year in the same district. The court awarding damages shall direct the commissioner of the revenue for the district or districts in which the law has become operative to report at the next annual assessment the names of all owners of apple orchards over two years old and less than ten years old, and all owners of apple orchards over ten years old, in such district or districts, together with the number of acres owned by each

The court shall thereupon fix such specific amount per acre to be paid by each owner as will in the aggregate net the amount necessary to reimburse the county fund for all damages and costs previously

paid out under the provisions thereof.

The court shall enter an order directing each owner to pay his respective portion so ascertained to the county treasurer, and such order shall have the force and effect of a judgment of the court; if said amounts are not paid within thirty days from the date of said order the county treasurer shall proceed to collect the same as taxes are collected; provided, however, that all damages awarded and assessments made therefor shall be by magisterial districts, each dis-

trict bearing its own expenses in the enforcement of this chapter; provided, further, that any orchard owner who is aggrieved by an erroneous levy or assessment made against him under this section, may apply by motion for relief against the same at the court that ordered the levy, at any time within twelve months after the date of the order ascertaining the amount to be paid by the several owners and directing payment; and if the court is satisfied that the applicant is erroneously assessed in such levy, either in whole or in part, it shall correct the same, directing that the applicant be exonerated from so much as is erroneously charged against him, if it is not already paid, and if paid that it be refunded to him.

Such motion shall be after five days' notice to the attorney for the Commonwealth, who shall represent the county at the hearing.

The amount fixed by the court upon orchards planted more than two and less than ten years shall be one-half the amount fixed by the court as a charge upon orchards planted ten years or more.

CHAR. 163.—An ACT to add certain interstate roads and projects to the State highway system. [S B 270]

Approved March 10, 1922.

1. Be it enacted by the general assembly of Virginia, That the following interstate road and project is hereby added to, and shall hereafter constitute a part of, the State highway system, as created by an act approved January thirty-first, nineteen hundred and eighteen:

That certain link extending from South Hill in the State of Virginia to the North Carolina State line near Palmer Springs by way of the new bridge across the Roanoke river at a point known as Goode's Ferry: Provided that this road shall not be constructed or maintained by the State until the toll charge on Goode's Ferry bridge is abolished.

CHAP. 164.—An ACT to appropriate the public revenue for the two years ending, respectively, on the 28th day of February, 1923, and the 29th day of February, 1924.

[H B 349]

Approved March 11, 1922.

1. Be it enacted by the general assembly of Virginia, That the public taxes and arrears of taxes, due prior to the first day of March, in the year nineteen hundred and twenty-three, and nineteen hundred and twenty-four, respectively, as well as the revenue derived from all sources, and all money not otherwise appropriated which shall come into the State treasury prior to the first day of March, nineteen hundred and twenty-three, and the first day of March, nineteen hundred and twenty-four, respectively, shall establish a general fund, and be, and the same is hereby appropriated for the years to close on

the twenty-eighth day of February, nineteen hundred and twentythree, and the twenty-ninth day of February, nineteen hundred and twenty-four, respectively, in the following manner and for the following uses, to-wit:

# 1922-1923

(For the year ending February 28, 1923)

#### LEGISLATIVE DEPARTMENT

#### General Assembly of Virginia

For legislating for the State.....\$ 38,382 99

Out of this appropriation of thirty-eight thousand three hundred and eighty-two dollars and ninety-nine cents shall be paid the salaries of members, clerks, assistant clerks, officers, pages and employees; the mileage of members, officers and employees, including the salaries and mileage of members of legislative committees sitting during recess; and the incidental expenses of the General Assembly, not exceeding the sum of five thousand dollars each for the Senate and House of Delegates.

· It is further provided that out of this appropriation of thirty-eight thousand three hundred and eightytwo dollars and ninety-nine cents there shall be paid to the Clerk of the Senate, the Clerk of the House of Delegates, for that period for which their compensation for services is fixed by law in connection with the present and subsequent sessions of the General Assembly, twelve (\$12.00) dollars per day, a sum sufficient; to the Clerk of the House of Delegates, ten (\$10.00) dollars per day, for such days as he does not receive \$12.00 per day, a sum sufficient; and to the Document Clerk and Librarian of the Senate, the sum of seven dollars (\$7.00) per day, except during the sessions of the General Assembly, when he shall receive the sum of eight (\$8.00) dollars per day, and his office shall be open every day, except Sundays and legal holidays, as required by law, a sum sufficient.

For expenses incurred by the Inaugural Committee appointed by the General Assembly, one thousand dollars, or so much thereof as may be necessary, to be paid upon the order of the chairman of the Inaugural Committee....

1,000 00

Total for the General Assembly ..... \$ 89.882 99

# JUDICIARY DEPARTMENT

Supreme	Court	of	Appeals
---------	-------	----	---------

Supreme Court of Appeals		
For adjudication of legal cases	64,903	00
nine hundred and three dollars shall be paid the follow-		
ing salaries and wages only:		
President of the Court\$ 5,200 00		
Associate judges (4), at \$5,000 each 20,000 00		
Reporter 2,500 00		
Clerk at Richmond 550 00		
Clerk at Staunton		
Clerk at Wytheville		
Additional officers and employees of		
the Court, not exceeding 13,694 00		
Retirement salaries authorized by sec.		
3464 of the Code of Virginia		
(1919) 9,360 00		
It is further provided that out of this appropria- tion of sixty-four thousand nine hundred and three dol- lars shall be paid the traveling and other expenses of the judges of the Supreme Court of Appeals, not to		
exceed, however, one thousand dollars for each judge,		
and which shall be in lieu of mileage.		
For printing records of litigants\$	15,000	00
Total for the Supreme Court of Appeals\$	79,903	00
Total for the Supreme Court of Appeals\$  Circuit Courts	79,903	00
Circuit Courts  For adjudication of legal cases\$	·	
Circuit Courts	·	
Circuit Courts  For adjudication of legal cases	·	
Circuit Courts  For adjudication of legal cases	·	
Circuit Courts  For adjudication of legal cases	·	
Circuit Courts  For adjudication of legal cases	·	
Circuit Courts  For adjudication of legal cases	·	
Circuit Courts  For adjudication of legal cases	·	
Circuit Courts  For adjudication of legal cases	·	
Circuit Courts  For adjudication of legal cases	·	
Circuit Courts  For adjudication of legal cases	·	
Circuit Courts  For adjudication of legal cases	·	
Circuit Courts  For adjudication of legal cases	·	
Circuit Courts  For adjudication of legal cases	·	

-
42,883 34
16,500 00

# EXECUTIVE DEPARTMENT

Governor		
For executive control of the State\$	25,545	00
Out of this appropriation of twenty-five thousand		
five hundred and forty-five dollars shall be paid the		
following salaries and special compensations only:		
Governor		



Secretary to the Governor, not exceed-	
ing\$ 3,600 00	
Assistant Secretary, not exceeding 2,100 00	
Confidential stenographer, not exceed-	
ing	
Janitor, messenger and clerk, not ex-	
ing 1,200 00	
Elevator conductor and watchman, not	
exceeding 1,350 00	
Capitol guide, not exceeding 120 00	
Substitutes for elevator conductor	
and watchman, and for janitor,	
messenger and clerk while on	
leave of absence with pay 100 00	
For maintenance of Governor's House\$	13,600 00
Out of this appropriation of thirteen thousand six	
hundred dollars shall be paid the following salaries only:	
Labor at Governor's House, not ex-	
ceeding \$ 5,000 00	
It is further provided that out of this appropriation of thirteen thousand six hundred dollars there is hereby	
appropriated:	
For additional equipment\$ 5,000 00	
Total for the Governor\$	39.145 00
	,
Director of the Budget	
For preparation of the budget and carrying out the provisions	,
•	
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)\$	11,700 00
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)\$  Out of this appropriation of eleven thousand seven	
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)\$  Out of this appropriation of eleven thousand seven hundred dollars shall be paid the following salaries only:	
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)\$  Out of this appropriation of eleven thousand seven hundred dollars shall be paid the following salaries only:  Director of the Budget\$ 4,500 00	
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)\$  Out of this appropriation of eleven thousand seven hundred dollars shall be paid the following salaries only:  Director of the Budget\$  4,500 00  Statistician, not exceeding	
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)\$  Out of this appropriation of eleven thousand seven hundred dollars shall be paid the following salaries only:  Director of the Budget\$  \$4,500 00\$  Statistician, not exceeding	
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)\$  Out of this appropriation of eleven thousand seven hundred dollars shall be paid the following salaries only:  Director of the Budget\$  4,500 00  Statistician, not exceeding	
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)\$  Out of this appropriation of eleven thousand seven hundred dollars shall be paid the following salaries only:  Director of the Budget\$  \$4,500 00\$  Statistician, not exceeding	
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)\$  Out of this appropriation of eleven thousand seven hundred dollars shall be paid the following salaries only:  Director of the Budget\$ 4,500 00  Statistician, not exceeding	
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)	
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)	11,700 00
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)	11,700 00
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)	11,700 00
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)	11,700 00
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)	11,700 00
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)	11,700 00

For the enforcement of prohibition in accordance with the provisions of the act approved March 19, 1918 (Acts of Assembly, 1918, chap. 388, pp. 578-620), and of the act approved March 20, 1920 (Acts of Assembly, 1920, chap. 383, pp. 570-572), for the six months beginning September 1, 1922, and ending February 28, 1923\$  The Attorney General shall receive the sum of \$500.00 per annum out of this approprition for his services in connection with the Prohibition Department.  The Assistant Attorney General shall receive as an additional salary the sum of \$500.00 to be paid out of this appropriation for the enforcement of prohibition.	35,000	00
Total for the Attorney General\$	52,360	00
Auditor of Public Accounts		
For recording the financial transactions of the State\$	50,680	00
Out of this appropriation of fifty thousand six hundred and eighty dollars shall be paid the following salaries and wages only:  Auditor of Public Accounts\$ 5,000 00  First clerk, assistant to the Auditor of Public Accounts and chief book- keeper		
the act approved March 20, 1920 (Acts of Assembly,		
1920, chap. 397, p. 587)\$  For collecting old claims (as authorized by sec. 2596 of the Code of Virginia, 1919), and for adjustment of State litigation	1,000	
Out of this appropriation of one thousand dollars shall be paid the costs of civil prosecutions in civil cases, expenses and commissions in collecting old debts, etc., in accordance with secs. 2533 and 2534 of the Code of Virginia (1919).  For refund of capitation taxes (including delinquent capitation taxes afterwards collected) to counties and cities.	250,000	

For registering marriages and divorces	3,900	00
It is provided that this appropriation of three		
thousand nine hundred dollars shall be used in		
carrying out the provisions of sec. 5099 of the Code of	•	
Virginia (1919); and the provisions of the Act approved	•	
March 15, 1918 (Acts of Assembly, 1918, chap. 220,		
p. 397).		
For refunding erroneous assessments of taxes under order		
of courts	10,000	00
For paying clerks for reporting and recording sales of de-	*	
linquent lands	10,000	00
For support of lunatics in jails and in charge of private		
persons	5,000	00
For payment of pensions	1,000,000	00

Out of this appropriation of one million dollars shall be paid to each pensioner in the several classes now on the pension roster or hereafter placed on the pension roster, who is entitled, under the act approved February 28, 1918 (Acts of Assembly, 1918, chapter 85, pp. 143-153), to \$180.00 a year for total blindness, \$250.00 a year; to \$75.00 a year for total disability, \$130.00 a year; to \$55.00 a year for partial disability, \$100.00 a year; to \$86.00 a year for loss of limb, \$130.00 a year; and to each widow of a soldier, sailor or marine, who was married prior to May 1, 1877, and who is otherwise entitled under this act to \$50.00 a year, \$76.00 a year, and to the personal representative of each deceased pensioner \$25.00 for the funeral expenses of such deceased pensioner; provided, however, that the said sum of \$25.00 may be paid without the qualification of a personal representative to the undertaker, when such undertaker shall file his bill, verified by proper affidavit with the Auditor of Public Accounts, together with copy of death certificate of such pensioner; and the other allowances as authorized by the act aforesaid.

It is provided, however, that if any assessment hereafter made of the real estate or personal property, or both, owned at this time by a pensioner on the pension roster shows an increased valuation beyond the amount fixed by law to entitle a pensioner to draw a pension, such increase shall not operate to prevent any such pensioner from receiving the pension he shall receive under the provisions of the said act approved February 28, 1918; provided further that if the property held, as hereinbefore provided, by a Confederate soldier, his wife or widow, assessed at \$2,000.00 or more, yield a total income less than \$300.00, including income from all

sources, such applicant shall not be denied the benefit of the pension under this section.

It is further provided that the Auditor of Public Accounts shall not use any part of this appropriation of one million dollars for clerk hire, expenses, etc.

And it is further provided that out of the appropriation for public printing, the Superintendent of Public Printing shall supply all forms and have done and pay for all printing, binding, ruling, etc., required by the Auditor of Public Accounts in pension matters and in connection with the payment of pensions. The Auditor of Public Accounts shall pay quarterly at such dates as he may prescribe the pensions authorized by this act.

For relief of needy Confederate women of Virginia, who are not upon the State pension roster, and who are not inmates of any Confederate, independent or church home or charitable institution, in accordance with the provisions of the Act approved March 10, 1914 (Acts of Assembly, 1914, chap. 56, p. 81).....\$

10,000 00

For bonds of clerks in State offices.....

750 00

Out of this appropriation of seven hundred and fifty dollars shall be paid the costs of the surety bonds of the State officials and employes in the office of the Auditor of Public Accounts in accordance with the provisions of sec. 325 of the Code of Virginia (1919).

Provided further that the Auditor of Public Accounts is hereby authorized to pay out of the respective appropriations made by this Act to the several State departments, the premiums on the official bonds of the respective clerks, in said State departments, specified in sec. 325 of the Code of Virginia (1919), and in accordance with the provisions of said Code section.

For assessing property for taxation and collecting and distributing records of assessments.....

**300,000 00** 

Out of this appropriation of three hundred thousand dollars shall be paid commissions to commissioners of the revenue and examiners of records, and the postage and express charges on land and property books, etc.

For criminal charges ...... \$ 500,000 00

Out of this appropriation of five hundred thousand dollars shall be paid the costs incident to the arrest and prosecution of persons charged with the violation of State laws, including expenses of juries, witnesses, etc.; the transportation costs of the State Board of Charities and Corrections as provided by sec. 1907 of the Code of Virginia (1919), and the transportation

costs of the Virginia Manual Labor School for Colored Boys (Acts of Assembly, 1920, chap. 344, pp. 515-516), as provided by the Act approved February 5, 1900 (Acts of Assembly, 1899-1900, chap. 273, sec. 6, p. 302); cost of maintenance in local jails of persons charged with violation of State laws, including food, clothing, medicine, medical attention, guarding, etc., provided however, that all jail physicians be paid at the rate provided by law, but not more than five hundred dollars per calendar year shall be paid the jail physician or physicians for any city or county; and coroner's fees, etc.

It is provided, however, that no part of this appropriation of five hunderd thousand dollars shall be used for the payment of criminal charges incident to prisoners employed on the State Convict Road Force or the transportation costs of prisoners committed to the custody of the Virginia Industrial School for Boys (Acts of Assembly, 1920, chap. 76, pp. 64-66).

Total for the Auditor of Public Accounts.....\$2,142,330 00 Second Auditor For recording the financial transactions of the State.....\$ 13,319 00 Out of this appropriation of thirteen thousand three hundred and nineteen dollars shall be paid the following salaries and wages only: Second Auditor .....\$ 2,800 00 First clerk and Assistant to the Second Auditor ...... 2.500 00 Additional employes, not exceeding... 7.009 .00 For payment of interest on the State Debt, a sum sufficient. 840,000 UU Out of this appropriation of eight hundred and forty thousand dollars shall be paid the interest on the public debt funded under the Acts approved February 14, 1882, February 28, 1892, January 31. 1894: January 23, 1896, and the amendments thereto; as provided by law. Total for the Second Auditor..... \$ 853,319 00 Secretary of the Commonwealth For keeping the official records and documents of the Commonwealth .....\$ 13,275 00 Out of this appropriation of thirteen thousand two hundred and seventy-five dollars shall be paid the fol-

Secretary of the Commonwealth....\$ 4,000 00

lowing salaries only:

Secretary of the Commonwealth, for	•	
the month of February, 1922\$	100	00
Chief clerk, not exceeding	3,600	00
File clerk, not exceeding	1,200	00
Record clerk, not exceeding	1,200	00
Janitor and messenger, not exceeding.	1,200	00

Out of this appropriation of one hundred and twenty thousand three hundred and eighty dollars shall be paid the following salaries only:

Clerks (2), not exceeding \$2,400.00		
each	4,800	00
Clerks (3), not exceeding \$1,800.00		
each	5,400	00
Clerks (10), not exceeding \$1,200.00		
each	12,000	00
Inspector (1), not exceeding	1,800	00
Inspectors (7), not exceeding \$1,500		
00 each	10,500	00
Additional employes, not exceeding	9,000	00

It is hereby provided, however, that all fees and licenses collected by the Secretary of the Commonwealth for licensing and registering titles to automotive vehicles and for recording titles thereto after the close of business on February 28, 1922, together with any funds previously collected for these purposes and still unexpended in the hands of the Secretary of the Commonwealth, as of said date, shall be paid direct and promptly into the State treasury to the credit of the State Highway Maintenance and Construction Fund without deductions of any kind being made therefrom; and it is further provided that the funds appropriated for licensing and registering automotive vehicles and recording titles thereto as provided in this act shall be paid out of the State Highway Maintenance and Construction Fund by warrants drawn on the Auditor of Public Accounts by the Secretary of the Commonwealth.

### State Accountant

For examination of State accounts\$	12,825 00
Out of this appropriation of twelve thousand three hundred and twenty-five dollars shall be paid the following salaries and expenses only:	a Series Series Series
State Accountant	3 2 <b>9</b> 2 7 2 1
For examination of the accounts of city and county officials and agencies handling State funds\$	10;000 00
Total for the State Accountant\$	22,325 00
State Treasurer	•
For the custody and disbursement of State money\$  Out of this appropriation of twenty-nine thousand nine hundred and eleven dollars shall be paid the following salaries only:  State Treasurer\$ 5,000 00  State Treasurer, for the month of  February, 1922	29,911 00
.Superintendent of Public Printing	
For expenses of administration of the Office of Superintendent of Public Printing	9,560 °00
Superintendent of Public Printing\$ 3,600 00 Assistant superintendent 2,750 00 Clerk and stenographer, not exceeding 1,500 00 Messenger and clerk, not exceeding 1,200 00	• 14.
For public printing	90,200 00
For rotary fund	10,000 00 1,500 00

Total for the Superintendent of Public Printing..\$ 111,260 00

The Auditor of Public Accounts is hereby authorized and directed to charge off any deficit that may be standing against the Public Printing Fund at the commencement of business on March 1, 1922.

# REGULATIVE Bureau of Labor and Industrial Statistics

For expenses of administration of the Bureau of Labor and Industrial Statistics\$	10,640 00
Out of this appropriation of ten thousand six hundred and forty dollars shall be paid the following salaries only:	
Commissioner of Labor\$ 3,600 00 Assistant Commissioner of Labor and	
chief clerk         2,400 00           Clerk-stenographer, not exceeding         1,500 00           Stenographer, not exceeding         1,200 00	
For compilation and publication of industrial statistics	2,100 00
Out of this appropriation of two thousand one hundred dollars shall be paid the following salary only:  Clerk, not exceeding	
For inspection of factories and stores	8,450 00
Out of this appropriation of eight thousand four hundred and fifty dollars shall be paid the following salaries only:	
Inspector, not exceeding	
For inspection of mines	8,975 00
Out of this appropriation of eight thousand nine hundred and seventy-five dollars shall be paid the following salaries only:  Inspectors (3), not exceeding \$1,800 each. 5,400 00	
For supervising the employment of women and children in industry	2,575 00
Out of this appropriation of two thousand five hun-	

dred and seventy-five dollars shall be paid the follow-

Director, not exceeding.....\$ 1,800 00

Total for the Bureau of Labor and Industrial

Statistics .....\$

ing salary only:

32,740 00

•		
Commissioner of Prohibition  For the enforcement of prohibition in accordance with the provisions of the act approved March 19, 1918 (Acts of Assembly, 1918, chap. 388, pp. 578-620), and of the act approved March 20, 1920 (Acts of Assembly, 1920, chap. 383, pp. 570-572), for the six months ending August 31, 1922	35,010	00
Out of this appropriation of thirty-five thousand and ten dollars shall be paid the salary of the Commissioner of Prohibition, not exceeding\$ 1,750 00  It is provided, however, that no part of this appropriation of thirty-five thousand and ten dollars for the Commissioner of Prohibition shall be used in the employment of counsel other than for the payment of attorneys regularly employed by the said Commissioner in the enforcement of the prohibition laws, or for fines or costs imposed on the agents and employes of said Commissioner in criminal proceedings.		
Commissioners of the Sinking Fund		
For supervising the debt service of the State\$	650	00
Out of this appropriation of six hundred and fifty dollars shall be paid the following salary only:		
Secretary, not exceeding\$ 300 00  For providing for the sinking fund for the redemption of the State Debt, a sum sufficient	119,428	92
This appropriation of one hundred and nineteen thousand four hundred and twenty-three dollars and ninety-two cents, or so much thereof as may be necessary, shall be used to carry out the provisions of sec. 2594 of the Code of Virginia (1919).		
Total for the Commissioners of the Sinking Fund\$	120.078	92
	222,000	
State Fee Commission		
For regulating compensation of fee officers\$	250	00
Out of this appropriation of two hundred and fifty dollars shall be paid the following salary only:  Stenographer, not exceeding\$ 200 00		
Industrial Commission of Virginia		
For expenses of administration of the Industrial Commis-		
sion of Virginia	37,242	00

Out of this appropriation of thirty-seven thousand

two hundred and forty-two dollars shall be paid the fellowing salaries and special compensations only:		
Members of the Industrial Commission		
of Virginia (3), at \$4,000 each.\$ 12,000 00		
Secretary 3,000 00		
Stenographers (2), not exceeding		
\$1,800 each 3,600 00		
Stenographer, not exceeding 1,380 00		
Clerk, not exceeding		
Additional employes, not exceeding 500 00		
For examination and adjustment of claims\$	15,067	00
Out of this appropriation of fifteen thousand and sixty-seven dollars shall be paid the following salaries only:		
Chief of claims, not exceeding\$ 3,000 00		
Stenographers (3), not exceeding 3,900 00		
Medical examiner, not exceeding 1,800 00		
Clerks (3), not exceeding 3,240 00		
For field inspection and adjustment of claims	5,180	00
Out of this appropriation of five thousand one hundred and eighty dollars shall be paid the following salaries and special compensations only:  Deputy, not exceeding\$ 3,000 00 Additional employes, not exceeding		
For insurance and accident statistics	6,290	00
Out of this appropriation of six thousand two hundred and ninety dollars shall be paid the following salaries and special compensations only:  Statistician, not exceeding\$ 3,000 00 Stenographer, not exceeding 1,200 00 Additional employes, not exceeding 1,100 00  For vocational training in accordance with the provisions of the act approved March 20, 1920 (Acts of Assembly,		
1920, chap. 392, pp. 583-585)	10,000	00
Total for the Industrial Commission of Virginia\$	73,779	00
It is hereby provided, however, that on and after March 1, 1922, all receipts from taxes levied and collected under the provisions of the act which became a law on March 21, 1918 (Acts of Assembly, 1918, chap. 400, pp. 637-659), as amended by the act approved March 15, 1920 (Acts of Assembly, 1920, chap. 176, pp. 256-265), on industrial self-insurers, and on the premiums received by industrial insurance carriers, insuring employers in this State against liability for		

personal injuries to their employes or death caused thereby, together with all other receipts from all sources collected for the support of the Industrial Commission of Virginia, shall be paid direct and promptly into the general fund of the State treasury.

#### **Purchasing Commission**

For purchasing commodities for the State	\$ 11,450	00
Out of this appropriation of eleven thousand four hundred and fifty dollars shall be paid the following salaries only:		
Commissioner of State Hospitals as ex-officio State purchasing agent. \$ 1,6 Assistant State purchasing agent, not	<b>300 00</b>	
	00 00	
	800 00 800 00	
For storage and delivery of coal for State institution		07
Total for the Purchasing Commission	\$ 19,238	07
State Board of Health		
For expenses of administration of the State Board of H	ealth.\$ 24,464	00
Out of this appropriation of twenty-four the four hundred and sixty-four dollars shall be pa following salaries, wages and special compensionly:	id the	
State Health Commissioner\$ 5,0	00 00	
	00 00	
Additional employes, not exceeding 6,5 Members, State Board of Health, not	640 00	
•	28 00	
For sanitary engineering	15,450	00
Out of this appropriation of fifteen thousan hundred and fifty dollars shall be paid the fol- salaries only:		
Chief engineer\$ 3,5	00 00	
	00 00	
	00 00	
Secretary-stenographer, not exceeding 1,2	00 00	
For health publicity	\$ 5,400	00

Out of this appropriation of five thousand four hundred dollars shall be paid the following salary only:  Director, not exceeding		
For State aid for co-operative sanitation\$	25,000	
For prevention of malaria	5,000	00
For inspection of convict camps	750	00
For operation of laboratory	15,000	00
For child welfare and public health nursing	38,020	00
Out of this appropriation of thirty-eight thousand and twenty dollars shall be paid the following salaries only:		
Physician, not exceeding\$ 2,500 00		
Chief nurse, not exceeding 2,000 00		
Other employes, not exceeding 3,420 00		
For control of venereal diseases	10,000	00
For treatment of orthopedic cases	25,000	00
For control of epidemics	5,000	00
Total for the State Board of Health\$	169,084	00 .
Bureau of Vital Statistics		
For collection and publication of vital statistics\$	19,935	00
Out of this appropriation of nineteen thousand nine hundred and thirty-five dollars shall be paid the following salaries and wages only:  State Registrar of Vital Statistics\$ 3,000 00  Assistant State Registrar and Statistician, not exceeding	·	
For collection and publication of marriage and divorce statistics	2,855	00
For prevention of blindness\$	2,300	00
Out of this appropriation of two thousand three hundred dollars shall be paid the following salary only:  Clerk, not exceeding		
<del></del>		

### **State Corporation Commission**

For expenses of administration of the State Corporation		
Commission\$	49,105	00
Out of this appropriation of forty-nine thousand		
one hundred and five dollars shall be paid the follow-		
ing salaries only:		
Chairman, State Corporation Com-		
mission		
\$4,800.00 each 9,600 00		
Secretary and clerk of the State Cor-		
poration Commission (without		
fees; the fees collected by him to		
be paid into the general fund of		
the State treasury) 4,000 00 Counsel to the State Corporation Com-		
mission 4,000 00		
Additional employes, not exceeding 22,080 00		
For supervision of taxation, statistics and public service	8,050	00
Out of this appropriation of eight thousand and		
fifty dollars shall be paid the following salaries only:		
First assistant assessor and special		
representative, not exceeding\$ 3,300 00		
Second assistant assessor, not exceed-		
ing 2,500 00		
Third assistant assessor, not exceeding 1,800 00		
For rate regulation	9,200	00
Out of this appropriation of nine thousand two hundred dollars shall be paid the following salaries only:		
Commerce counsel, not exceeding\$ 4,500 00		
Rate clerk, not exceeding 2,700 00		
For regulating heat, light and power, water and telephone companies	8,925	00
Out of this appropriation of eight thousand nine		
hundred and twenty-five dollars shall be paid the fol- lowing salaries only:		
Engineer\$ 3,600 00		
First assistant engineer, not exceeding 2,000 00		
Second assistant engineer, not exceed-		
ing		
For civil engineering and mineral land assessments	3,950	00
Out of this appropriation of three thousand nine hundred and fifty dollars shall be paid the following		
salary only:		

Civil engineer and assistant assessor of mineral lands, not exceeding\$ 2,750 00		
For regulating sale of securities in accordance with the provisions of the act approved March 20, 1920 (Acts of Assembly, 1920, chap. 359, pp. 536-544)\$	5,875	00
Out of this appropriation of five thousand eight hundred and seventy-five dollars shall be paid the following salaries only:		
Assistant director, not exceeding\$ 2,400 00 Inspector, not exceeding 1,800 00		
It is hereby provided, however, that all fees hereafter collected by the State Corporation Commission		
for regulating the sale of securities under the act approved March 20, 1920, aforesaid, shall be paid into the general fund of the State treasury.		
For the further expense of inspection, and for the prosecu- tion of violations of chapter 408, Acts of Assembly		
of 1920	3,500	00

Total for the State Corporation Commission.....\$ 88,605 00

#### **Banking Division**

For examination of banks, as required by law, to be paid out of the fees levied and collected for the examination of banks and paid into the State treasury to the credit of the "Banking Fund—State Corporation Commission" in accordance with the provisions of section 4122 of the Code of Virginia (1919), as amended by the act approved March 25, 1920 (Acts of Assembly, 1920, chap. 491, p. 823-825); provided, however, that no part of this appropriation shall be paid out of the general fund of the State treasury......\$ 43,180 00

Out of this appropriation of forty-three thousand one hundred and eighty dollars shall be paid the following salaries only:

Chief Examiner of Banks\$	4,000	00
Assistant examiners of banks (7),		
not exceeding	19,800	00

For examination of small loans companies, as required by law, to be paid out of the license fees levied and collected for the regulation of the small loans business and paid into the State treasury to the credit of the "Small Loans License Fund—State Corporation Commission" in accordance with the provisions of the act approved March 23, 1918 (Acts of Assembly, 1918,

chap. 402, pp. 662-669); provided, however, that no part of this appropriation shall be paid out of the general fund of the State treasury...... 1,650 00

Out of this appropriation of one thousand six hundred and fifty dollars shall be paid the following salary only:

Stenographer, not exceeding......\$ 1,200 00

#### Bureau of Insurance

Out of this appropriation of forty-eight thousand eight hundred and seventy-five dollars shall be paid the following salaries and special compensations only:

For supervision and enforcement of tax laws

Commissioner of Insurance.......\$ 5,000 00

Deputy Commissioner, actuaries,
clerks and other employes, and
special payments, to be expended
upon the approval of the State
Corporation Commission in accordance with law................................... 34,000 00

#### State Tax Board

For supervision and enforcement of tax laws		12,550 00
Out of this appropriation of twelve thou	usand five	
hundred and fifty dollars shall be paid the	following	
salaries only:		
Counsel and executive assistant\$	3,500 00	
Second assistant, not exceeding	2,500 00	
Stenographer and clerk, not ex-		
eeeding	1,500 00	
Stenographer, not exceeding	1,200 00	
Additional employes, not exceeding	1,000 00	

#### MILITARY

#### Adjutant General

For previding military protection for the State to be expended under the direction of the Military Board in accordance with law......\$90,000 00

Digitized by Google

It is provided that out of this appropriation of ninety thousand dollars there is hereby appropriated: For obtaining data pertaining to the men and women from Virginia who served in the military and naval forces in

1,000 00

It is hereby provided, however, that the Military Fund be and the same is hereby abolished, and monies shall no longer be set aside by the Auditor of Public Accounts for the said fund.

the war with Germany.....\$

#### Military Contingent Fund

For the military contingent fund out of which to pay the military forces of the Commonwealth when aiding the civil authorities as provided by sec. 305 of an act approved March 16, 1916 (Acts of Assembly, 1916, chap. 516, sec. 305, pages 871-872), a sum sufficient.

#### **EDUCATIONAL**

#### College of William and Mary in Virginia at Williamsburg

For maintenance and operation of the College of William and Mary in Virginia at Williamsburg......\$ 208,925 00

It is provided that out of this appropriation of two hundred and eight thousand nine hundred and twentyfive dollars there is hereby appropriated:

For the purpose of meeting the requirements of the Federal Smith-Hughes Act, a sum sufficient.

For additional equipment......\$ 9,000 00 For replacing old steam lines...... 5,000 00

For construction of new central heat-

For construction of a dormitory and physical educational building for men; provided, however, that no part of this appropriation of \$30,000.00 hereby made, shall be available unless and until satisfactory evidence has been furnished to the Governor of Virginia that the sum of \$60,000 in addition has been made available by the alumni, friends and officials of the college without further charge

8,851 00

It is hereby further provided that the Board of Visitors of the College of William and Mary in Virginia shall have power to fix, in their discretion, the rates for board, washing, lights and fuel, notwithstanding anything to the contrary contained in the provisions of chap. 40 of the Code of Virginia (1919).

For assistance in preparing legislation.....\$

### Legislative Reference Bureau

	-,	
Out of this appropriation of eight thousand eight		
hundred and fifty-one dollars shall be paid the fol-		
lowing salaries only:		
Director\$ 3,600 00		
Assistant to director, not exceeding 2,650 00		
Stenographer, not exceeding 1,200 00		
Additional employes, not exceeding 300 00		
Medical College of Virginia, at Richmond		
For maintenance and operation of the Medical College of		
Virginia, College Division, at Richmond	57,000	00
For maintenance and operation of the Medical College of	,	
Virginia, Hospital Division, at Richmond, for the free		
treatment, care and maintenance of Virginia patients	25,000	00
And, in view of the unusual financial condition of the		
said Medical College of Virginia and its immediate		
and pressing need for financial assistance at this time,		
there is hereby appropriated the additional sum to be		
used for maintenance and operation of the Medical		
College and maintenance and operation of the Hospital		
Division for the free treatment, care and maintenance		
of Virginia patients, twenty thousand dollars. It being		
understood that the said additional appropriation is		
only for the purpose of aiding said Medical College		
through temporary financial difficulty	20,000	00
<del>-</del>		

Total for the Medical College of Virginia.....\$ 102,000 00

#### State Board of Education

For salary of Superintendent of Public Instruction (without fees; the fees collected by him to be paid into the general fund of the State treasury)		00
For traveling expenses of the Superintendent of Public In-		
struction	1,000	00
For office rent of State Board of Education	2,200	00
For premiums on official bonds of officers and clerks in the office of the Superintendent of Public Instruction, in accordance with the provisions of sec. 325 of the Code		
of Virginia (1919)	40	00
For maintenance of public free schools	1,288,125	00

Out of this appropriation of one million two hundred and eighty-eight thousand one hundred and twenty-five dollars there shall be expended under the rules and regulations of the State Board of Education for the establishment and maintenance of rural one-room and two-room and graded schools, and for the special supervision thereof, and to be apportioned among such schools by the State Board of Education and local authorities, not exceeding.....\$440,000 00

Out of this sum of four hundred and forty thousand dollars segregated to the establishment and maintenance of rural elementary schools, the State Board of Education may use not exceeding twenty thousand dollars for the establishment and maintenance of vacation schools in such sections of the State as the State Board of Education may deem wise and proper, and an amount not exceeding five thousand dollars for training and caring for blind children under eight years of age, or who are not eligible to enter the State schools for the blind. Any unused balance of this sum to revert to and become a part of the elementary fund.

It is provided, however, that the entire monies in this whole appropriation of one million two hundred and eighty-eight thousand one hundred and twenty-five dollars, except as otherwise provided, shall be apportioned by the State Board of Education as prescribed by the Constitution of Virginia to the public free schools of the several counties and cities of the Commonwealth; provided further, however, that the said State Board of Education shall not apportion any of the said fund to any county or city

unless said county or city pay out of local funds at least twenty per centum of the teachers' salaries in the said county or city; and provided further, however, that in exceptional cases the State Board of Education may except from this rule a county which is unable to pay more than ten per centum of the teachers' salaries.	Norwaya Sanakar Sasakara Sanakara Sasakara Ma	<b>:</b> 1
For physical education in the public elementary schools and in the public high schools of the Commonwealth\$	25,000	00
For maintenance of public high schools		
It is provided that out of this appropriation of two hundred thousand dollars for public high schools, an amount, not to exceed fifteen thousand dollars, may be used by the State Board of Education to encourage	•	
the teaching of home economics in such schools.		
For use exclusively for the promotion of vocational educa-		
tion in agriculture and in the trades, home economics		
and industries in high schools and for the preparation of	in the second	1.
teachers of vocational subjects, as provided by the Act	1	
of Congress approved February 23, 1917 (Public Act		
No. 347 Sixty-fourth Congress), to be expended under	10	
rules and regulations of the State Board of Education,	. 34	
in accordance with provisions of sec. 6 of the act approved February 23, 1918 (Acts of Assembly, 1918,		
chap. 73, sec. 6, pp. 132-133)	100,354	87
	100,304	01
For maintenance of summer normal schools and institutes,	<b>F</b> 000	^^
not exceeding	5,000	υυ
shall be charged tuition in normal schools or institutes,		
receiving support out of this appropriation; and it is		
further provided that no part of this appropriation shall	•	
be turned over to any educational institution receiving	1 1,	
appropriations from the State for maintenance of sum-	٠.	
mer schools.		
For maintenance of libraries in public schools in accordance	1.	
with provisions of some 754 and 755 of the Code of		
Virginia (1919)	3,000	00
For school teachers' pension fund for the retirement of public		
school teachers in accordance with the provisions of		
chap. 36 of the Code of Virginia (1919)	10,000	00
For maintenance of schools for the Mattaponi and		
Pamunkey Indians, not exceeding	2,500	00
For maintenance of schools for the Cuban tribe of Indians		
in Halifax county	800	00
For maintenance of agricultural high schools	45.000	
It is provided, however, that this appropriation of	,	- •
forty-five thousand dollars shall be used for the main-		
tenance and equipment of agricultural high schools in		
Virginia and for betterments and for additional dormi-		

tery space in such schools, and for extension work in agriculture, gardening, canning and domestic science, as may be needed, to be expended under the direction and supervision of the State Board of Education.

For maintenance of public free schools to be paid from the proceeds of special taxes segregated by law to the support of the public free schools as estimated by the Auditor of Public Accounts; provided, however, that no part of this appropriation shall be paid out of the general fund of the State treasury.....\$3,525,508 00

Total for the State Board of Education (out of the general fund of the State treasury).....\$1,687,519 67

#### State Library at Richmond

maintenance and operation of the State Librar mond	-	41 149 EO
Out of this appropriation of forty-one one hundred and forty-two dollars and fahall be paid the following salaries and was	thousand lfty cents	11,112 00
State Librarian\$	3,300 00	
Assistant State Librarian, not ex-	2,700 00	
Head of traveling libraries depart-	2,100 00	
ment, not exceeding	2.000 00	
Archivist, not exceeding	2,000 00	
Extension libraries organizer, not	• • • • •	
exceeding	2,000 00	
Reference librarian, not exceeding	2,000 00	
Secretary to the State Librarian, not		
exceeding	1,600 00	
Catalogers (2), not exceeding \$1,500	•	
each	3,000 00	
Assistant in charge of serials, not ex-		
ceeding	1,500 00	
Assistant archivist, not exceeding	1,200 00	
Doorkeeper and janitor, not exceeding.  Janitor, not exceeding	1,020 00 1,000 00	•
Additional employes, not exceeding.	2,220 00	
	•	
It is further provided that out of this tion of forty-one thousand one hundred and		•
dollars and fifty cents there is hereby app	-	
For additional equipment\$ For publications	2.500 00	
For making photostat copies of Con-	2,000 00	
federate military records in posses-	•	-
reacture mineral records in bosses		

And it is hereby further provided that all fees and other revenues segregated to the Library Fund in accordance with sec. 349 of the Code of Virginia (1919), and all other fees and revenues hereafter collected by the State Library shall be paid into the general fund of the State treasury; and the said Library Fund be and the same is hereby abolished.

#### State Museum at Richmond

ments to the museum cases.....\$ 750 00

#### University of Virginia at Charlottesville

Out of this appropriation of three hundred and four thousand eight hundred and eighty-eight dollars it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the existing interest-bearing debt of the University, and to constitute the sinking fund in accordance with the provisions of sec. 820 of the Code of Virginia (1919).....\$ 11,705 00

It is further provided that out of this appropriation of three hundred and four thousand eight hundred and eighty-eight dollars there is hereby appropriated:

eighty-eight dollars there is hereby appropriated:

For additional equipment.......\$ 23,125 00

For maintenance and operation of the
University of Virginia Hospital,
including free treatment, care and
maintenance of Virginia patients. 52,370 00

For additional equipment for the University of Virginia Hospital.... 7,100 00

For construction of new central heat-

ing plant .....

Digitized by Google

30.000 00

:)('

For completion of second story of
biological laboratory \$ 2,000 00
For making loans to students 1,000 00
For extension work 900 00
This appropriation of three hundred and four thou-
sand eight hundred and eighty dollars is made upon
the condition that the University of Virginia shall give
instruction to properly prepared white students of the
State of Virginia in accordance with the provisions of
sec. 819 of the Code of Virginia (1919); with the
proviso that there shall be no charge for tuition or
University fee in the academic department of more
than ten (\$10.00) dollars, which ten dollars shall
in a cover all the items covered by the former University
fee of forty (\$40.00) dollars, but shall not interfere
with the ten (\$10.00) dollars contingent deposit.

# Virginia Agricultural and Mechanical College and Polytechnic Institute at Blacksburg

For ma	intenance an	d operation of	the Virginia	Agricultural	
an	d Mechanica	l College and	Polytechnic	Institute at	
Bl	acksburg				24

240,600 00

It is further provided that out of this appropriation of two hundred and forty thousand six hundred dollars there is hereby appropriated:

For the purpose of meeting the requiren	aents	of
the Federal Smith-Hughes Act, a sum	suffici	lent.
For additional equipment\$ 7	,825	00
For deficit incurred in providing coal		
necessary for operation of power		
plant 11	,000	00
For deficit incurred in operation of		
hospital during the influenza		
epidemic	,820	00
For making loans to students 2	,000	00
For replacing creamery refrigerating		
	.000	00

#### Extension Division

	Extension Division		
For	the Extension Division of the Virginia Agricultural and Mechanical College and Polytechnic Institute at Blacksburg for the purpose of conducting demonstration work in the State of Virginia or in the several counties therein in connection and co-operation with the United States Department of Agriculture, under the provisions of the Federal Smith-Lever Act and other Federal Acts for extension work	178,167	80
	Virginia Agricultural Experiment Station at Blacksb	urg	
For	maintenance and operation of the Virginia Agricultural Experiment Station at Blacksburg and the several county experiment stations under its control, and for carrying out the provisions of the act approved March 15, 1906 (Acts of Assembly, 1906, chap. 226, pp. 386-387), in accordance with sec. 932 of the Code of Virginia (1919)	50,925	00
	Virginia Military Institute at Lexington		
For	maintenance and operation of the Virginia Military Institute at Lexington	136,657	00
	Virginia Normal and Industrial Institute at Petersbu	ırg	
For	maintenance and operation of the Virginia Normal and Industrial Institute at Petersburg\$  It is provided that out of this appropriation of fifty-four thousand two hundred and fifteen dollars there is hereby appropriated:  For the purpose of meeting the requirements of the Federal Smith-Hughes Act, a sum sufficient.  For additional equipment\$ 12,100 00	54,215	00

For deficit caused by smallpox epidemic
Virginia Normal School Board
For supervision of the State normal schools for women\$ 2,500 00  Out of this appropriation of two thousand five hundred dollars shall be paid the traveling expenses of the members of the Virginia Normal School Board; and no part of the appropriations to the several normal schools shall be used for this purpose, not exceeding\$ 600 00
It is further provided that out of this appropriation of two thousand five hundred dollars shall be paid the following salaries and special compensations only:  Secretary-auditor, not exceeding\$ 1,200 00 Additional employes, not exceeding 150 00
State Normal School for Women at East Radford
For maintenance and operation of the State Normal School for Women at East Radford
It is provided that out of this appropriation of seventy-eight thousand seven hundred and five dollars there is hereby appropriated:  For additional equipment\$ 3,400 00  For making loans to students 800 00
State Normal School for Women at Farmville
For maintenance and operation of the State Normal School for Women at Farmville
State Normal School for Women at Fredericksburg
For maintenance and operation of the State Normal School for Women at Fredericksburg

seventy-four thousand nine hundred and thirty dollars		
there is hereby appropriated:		
For additional equipment\$ 1,500 00		
For making loans to students 500 00		
State Normal School for Women at Harrisonburg		
For maintenance and operation of the State Normal School		
for Women at Harrisonburg\$	91,525 (	00
It is provided that out of this appropriation of	,	
ninety-one thousand five hundred and twenty-five dol-		
lars there is hereby appropriated:		
For completing payment on the		
Smythe property\$ 10,000 00		
For improvements to grounds and		
walks 1,000 00		
For additional equipment 900 00		
For making loans to students 600 00		
201 201 201 201 201 201 201 201 201 201		
Virginia School for the Deaf and Blind at Staunto	n	
For maintenance and operation of the Virginia School for		
the Deaf and Blind at Staunton\$	98,030	00
It is provided that out of this appropriation of		
ninety-eight thousand and thirty dollars there is hereby		
appropriated:		
For improvement of toilet facilities\$ 2,500 00		
For additional equipment 2,120 00		
For operating deficit		
For operating denert	•	
Virginia State School for Colored Deaf and Blind Chi	idren	
at Newport News	,	
For maintenance and operation of the Virginia State School		
for Colored Deaf and Blind Children at Newport News.\$	34,685	M
-	01,000	,,
It is provided that out of this appropriation of		
thirty-four thousand six hundred and eighty-five dol-		
lars there is hereby appropriated:		
For concrete improvements on farm\$ 500 00		
For water tank and piping 3,300 00		
Virginia War History Commission		
For preparing war history of Virginia\$	7,500 0	00
AGRICULTURAL		
Department of Agriculture and Immigration		
•		
For expenses of administration of the Department of Agri-	<b>#</b> 000 1	
culture and Immigration\$	7,000 0	JŪ

Out of this appropriation of seven thousand dollars shall be paid the following salaries only:	
Commissioner of Agriculture and Immigration (which shall be in full for his services; all fees of office to be paid into the State treasury.\$ 4,000 00 Assistant Commissioner and Editor 3,000 00 For advertising the resources of the State\$	<b>5,000 00</b>
For testing of seeds and identification of plants and plant diseases, as provided by law	17,275 00
For collection and compilation of statistics relating to agriculture in Virginia as required by law	4,850 00.
It is further provided that out of the fees and taxes collected by the Department of Agriculture and Immigration for the enforcement of the laws by which the respective fees and taxes are paid, but not out of the general fund of the State treasury, there is hereby appropriated:	
For expenses of administration of the Department of Agriculture and Immigration, exclusive of the salaries of the Commissioner of Agriculture and Immigration and the Assistant Commissioner and Editor	
For inspection of fertilizers, in- secticides, fungicides, agricultural lime and seed, as provided by law. 17,950 00	
For publicity for agricultural advancement	
For testing of fertilizers, lime, food and minerals	
For licensing and inspection of commission merchants, in accordance with the provisions of sec. 1257-1263, inclusive, of the Code of Virginia (1919)	
For maintenance and operation of experiment stations in Augusta, Charlotte and Henry counties for experimenting with and testing fertilizers 8,375 00	
Total for the Department of Agriculture and Immigration (out of the general fund of the State treasury)	

# Dairy and Food Division

For expenses of administration of the Dairy and Food Division	15,175	00
Out of this appropriation of fifteen thousand one hundred and seventy-five dollars shall be paid the following salaries only:	·	
Dairy and Food Commissioner\$ 3,000 00		
Deputy Commissioner, not exceeding. 2,600 00		
Chief clerk, not exceeding 2,100 00		
Stenographer, not exceeding 1,200 00		
Filing clerk, not exceeding 1,080 00		
Bookkeeper, not exceeding 1,320 00		
For prevention of bovine tuberculosis, to be expended in accordance with the provisions of sec. 1225 of the Code		
of Virginia (1919)	25,000	00
For enforcing the cold storage law, in accordance with the provisions of the Act approved September 9, 1919 (Acts of Assembly, 1919, Extra Session, chap. 55,		20
pp. 87-92)	5,175	
For inspection of hotels	3,500	00
It is further provided that out of the fees and taxes collected by the Dairy and Food Division, but not out of the general fund of the State treasury, there is hereby appropriated:		
For inspection and development of dairies		
Total for the Dairy and Food Division (out of the general fund of the State treasury)\$	48,850	00
Division of Markets	•	
For collecting and disseminating market information, and		
for carrying out the other provisions of sections 1250 to 1256 of the Code of Virginia (1919)\$	20,000	00
State Board of Crop Pest Commissioners		
For furnishing protection from crop pests\$	15,935	00
Out of this appropriation of fifteen thousand nine hundred and thirty-five dollars shall be paid the following salaries, wages and special compensations only:  State Entomologist		
For eradication of the Oriental moth pest	3,820	00
•	*	



Out of this appropriation of three thousand eight hundred and twenty dollars shall be paid the following salaries only:

Associate Entomologist, not exceeding.\$ 1,980 00 Additional employes, not exceeding... 700 00

It is hereby provided that all receipts of the State Board of Crop Pest Commissioners from the registration and certification of nurseries, segregated by the Auditor of Public Accounts in a special fund and paid over from time to time to the State Board of Crop Pest Commissioners in accordance with secs. 882 and 883 of the Code of Virginia (1919), in regulating the sale of nursery stock in Virginia, and all other fees and revenues hereafter collected by the State Board of Crop Pest Commissioners shall be paid into the general fund of the State treasury; and the special segregated fund from the receipts from the registration and certification of nurseries be and the same is hereby abolished.

Total for the State Board of Crop Pest Commis-

sioners	
State Live Stock Sanitary Board	
For protecting live stock from diseases	\$ 21,670 00
Out of this appropriation of twenty-one thou six hundred and seventy dollars shall be paid the lowing salaries and special compensations only:	
State Veterinarian\$ 4,00 Assistant State Veterinarian, not ex-	0 00
ceeding	0.00
ceeding 1,50	0 00
Veterinary inspectors (3), not exceed-	
- · · · · · · · · · · · · · · · · · · ·	0 00 .
Additional employes, not exceeding 75	0 00
Virginia Truck Experiment Station at N	orfolk
For experimentation in truck crop development	\$ 22,560 00
Out of this appropriation of twenty-two thou five hundred and sixty dollars shall be paid the follow	
salaries and wages only:	
	0 00
Horticulturist, not exceeding 2,80	0 00
Assistant Horticulturist, not exceeding. 1,50 Associate plant pathologist, not ex-	00 00
ceeding	0 00
Associate entomologist, not exceeding. 2,50	0 00

Clerk and stenographer, not exceeding	2,110 00
Total for the Virginia Truck Experiment Station at Norfolk\$	24,670 00
CARE OF DEFECTIVES AND DEPENDENTS	
Board of Charities and Corrections	
For expenses of administration of the Board of Charities and Corrections	8,700 00
Secretary       \$ 3,000 00         Assistant Secretary, not exceeding       2,000 00         Stenographer, not exceeding       1,200 00         Additional employes, not exceeding       250 00         For placing and supervising children in homes and institu-	4070.00
Out of this appropriation of six thousand and fifty dollars shall be paid the following salaries and special compensations only:  Agents (3), not exceeding\$ 2,100 00  Additional employes, not exceeding	6,050 00
For protecting and supervising feeble-minded persons in homes, under provisions of sec. 1903 of the Code of Virginia (1919); and for after-care of mentally defective persons, and for the inspection of prisons  Out of this appropriation of three thousand five hundred and fifty dollars shall be paid the following salary only:  Special agent, not exceeding\$ 2,400 00	<b>\$</b> 3,550 00
Total for the Board of Charities and Corrections\$	18,300 00
Commissioner of State Hospitals	
For administration of the State hospitals for the insane and the State Colony for Epileptics and the Feeble-Minded	2,700 00

for Epileptics and the Feeble-Minded shall be used for any expense of the Commissioner of State Hospitals.

### Central State Hospital at Petersburg

For maintenance and operation of the Central State Hospital at Petersburg	368,995	00
Steward, not exceeding\$ 2,000 00		
Clerk and bookkeeper (who shall per-		
form the duties of secretary to the		
special board of directors), not		
exceeding 1,800 00		
Storekeeper, not exceeding 1,200 00		
Stenographers (2), not exceeding 1,800 00		
First assistant physician, not exceed-		
ing		
Second assistant physician, not ex-		
ceeding 2,000 00		
Third assistant physician, not exceed-		
ing 1,800 00		
Fourth assistant physician, not exceed-		
ing 1,800 00		
Fifth assistant physician, not exceed-		
ing		
Dentist, not exceeding		
Engineer, not exceeding		
Farmer, not exceeding		
It is provided, however, that the officers of the Central State Hospital shall receive in addition to the respective salaries specified above, their board and lodging at the hospital, but shall not receive any additional perquisites or emoluments.		
A Company of the Control of the Cont		

It is further provided that out of this appropriation of three hundred and sixty-eight thousand nine hundred and ninety-five dollars there is hereby appropriated:

For additional equipment.....\$ 3,135 00

For maintenance and operation of the Eastern State Hospital
at Williamsburg\$ 224,765 00
It is provided that out of this appropriation of
two hundred and twenty-four thousand seven hundred
and sixty-five dollars the following salaries shall be
•
Superintendent\$ 3,000 00
It is provided, however, that for any
buildings belonging to the hospital which the
superintendent may occupy, he shall pay
therefor such rental as may be fixed by the
special board of directors of the Eastern State
Hospital.
Steward, not exceeding\$ 1,750 00
Clerk (who shall perform the duties
of secretary to the special board
of directors), not exceeding 1,200 00
Stenographer, not exceeding 900 00
First assistant physician, not exceed-
ing 2,400 00
Second assistant physician, not ex-
ceeding
Third assistant physician, not exceed-
ing 1,800 00
Pharmacist and storekeeper, not ex-
ceeding
Engineer, not exceeding 1,200 00
Farmer, not exceeding 900 00
It is provided, however, that the officers
of the Eastern State Hospital shall receive in
addition to the respective salaries specified
above, their board and lodging at the hospital,
but shall not receive any additional per-
quisites or emoluments.
It is further provided that out of this appropria-
tion of two hundred and twenty-four thousand seven
hundred and sixty-five dollars there is hereby ap-
propriated:
For additional equipment\$ 500 00
For new central heating plant 17,500 00
For additional building for patients 4,000 00
For operating deficit 10,000 00
Southwestern State Hospital at Marion
For maintenance and operation of the Southwestern State
For maintenance and operation of the Southwestern State

Hospital at Marion ......\$ 154,395 00

For

It is provided that out of this appropriation of one		
hundred and fifty-four thousand three hundred and		
ninety-five dollars the following salaries shall be paid:		
Superintendent\$ 3,000 00		
It is provided, however, that for any		
buildings belonging to the hospital which the		
superintendent may occupy, he shall pay		
therefor such rental as may be fixed by the		
special board of directors of the Southwestern		
State Hospital.		
Steward, not exceeding\$ 1,800 00	·	
Clerk (who shall perform the duties of		
. secretary to the special board of		
directors), not exceeding 1,500 00		
Stenographer, not exceeding 900 00		
First assistant physician, not exceed-		
ing		
Second assistant physician, not ex-		
ceeding 2,200 00		
Third assistant physician and bacteri-		
ologist, not exceeding 2,000 00		
Dentist, not exceeding		
Engineer and electrician, not exceed-		
ing		
Farmer, not exceeding		
It is provided, however, that the officers		
of the Southwestern State Hospital shall re-		
ceive in addition to the respective salaries		
specified above, their board and lodging at the		
hospital, but shall not receive any additional		
perquisites or emoluments.		
Western State Hospital at Staunton		
-		
maintenance and operation of the Western State Hos-		
pital at Staunton\$	219,800	00
It is provided that out of this appropriation of two		
hundred and nineteen thousand eight hundred dollars		
the following salaries shall be paid:		
Superintendent 3,600 00		
It is provided, however, that for any		
buildings belonging to the hospital which the		
superintendent may occupy, he shall pay		
therefor such rental as may be fixed by the		
special board of directors of the Western		
State Hospital.		
Steward, not exceeding 1,800 00		
Clerk (who shall perform the duties of		
secretary to the special board of		
directors), not exceeding 1,700 00		



	Stenographers (2), not exceeding 1,620 00 First assistant physician, not exceed-
	ing 2,400 00
٠	First assistant physician (female), not exceeding
	Second assistant physician, druggist
	and X-ray man, not exceeding 2,200 00
	Second assistant physician (female),
	not exceeding
	ing 1.500 00
	Engineer and electrician, not exceed-
	ing 1,200 00
	Farmer, not exceeding 540 00
	It is provided, however, that the officers
	of the Western State Hospital shall receive in addition to the respective salaries specified
	above, their board and lodging at the hospital,
	but shall not receive any additional perquisites
	or emoluments.
	It is further provided that out of this appropriation
	of two hundred and nineteen thousand eight hundred
	dollars there is hereby appropriated:
	For equipment for Tredway Building.\$ 5,000 00 For sprayer 500 00
	For sprayer
_	State Colony for Epileptics and the Feeble-Minded at Colony
For	maintenance and operation of the State Colony for Epileptics and the Feeble-Minded at Colony 168,120 00
	It is provided that out of this appropriation of
	one hundred and sixty-eight thousand one hundred and twenty dollars the following salaries shall be paid:
	Superintendent
	It is provided, however, that for any
	buildings belonging to the Colony which the
	superintendent may occupy, he shall pay
	therefor such rental as may be fixed by the
	special board of directors of the State Colony
	for Epileptics and the Feeble-Minded.
	Steward and clerk (who shall perform the duties of secretary to the spe-
	cial board of directors), not ex-
	ceeding\$ 1,750 00
	Stenographer and psychologist, not
	. 1 500 00

exceeding ...... 1,500 00

2,400	00
2,000	00
1,200	00
1,200	00
	2,000 1,200

It is provided, however, that the officers of the State Colony for Epileptics and the Feeble-Minded shall receive in addition to the respective salaries specified above, their board and lodging at the Colony, but shall not receive any additional perquisites or emoluments.

It is further provided that out of this appropriation of one hundred and sixty-eight thousand one hundred and twenty dollars there is hereby appropriated:

For additional equipment\$	2,685	00
For concrete coal storage bin	500	00
For improvements and additions to		
buildings and grounds	1,375	00
For additional building and equipment		
for epileptic patients	42,500	00

## R. E. Lee Camp Soldiers' Home at Richmond

For maintenance and operation of the R. E. Lee Camp Soldiers' Home at Richmond......\$

96,500 00

It is provided that out of this appropriation of ninety-six thousand five hundred dollars the following salaries shall be paid:

Superintendent\$	2,400	00
Surgeon, not exceeding	1,200	00
Head nurse, not exceeding	1,200	00
Engineer, not exceeding	1,200	00

It is provided, however, that the officers of the R. E. Lee Camp Soldiers' Home shall receive in addition to the respective salaries specified above, their board and lodging at the Home, but shall not receive any additional perquisites or emoluments.

For providing for incidental personal expenses of Confederate Veterans, a monthly allowance of \$3.00 to each inmate of the R. E. Lee Camp Soldiers' Home at Richmond, in accordance with law, to be paid out of the maintenance and operation fund.

For relief of needy Confederate veterans afflicted with contagious diseases or cancer, in accordance with law.\$

4,000 00

Total for the l	R. E.	Lee	Camp	Soldiers	Home at		
Richmond					\$	100.500	00

#### Catawba Sanatorium Near Salem

For maintenance and operation of the Catawba Sanatorium	•
near Salem\$	112,980 00
It is provided that out of this appropriation of one	
hundred and twelve thousand nine hundred and eighty	
dollars the following salaries shall be paid:	

Business manager\$	3,600	00
Bookkeeper, not exceeding	1,200	00
Chief clerk, not exceeding	1,080	00
Medical director, not exceeding	3,500	00
First assistant physician, not exceed-		
ing	3,000	00
Second assistant physician, not ex-		
ceeding	2,500	00
Third assistant physician, not exceed-		
ing	2,000	00
Fourth assistant physician, not exceed-		
ing	1,800	0Q
Superintendent of nurses, not exceed-		
ing	1,800	00
Dietitian, not exceeding	1,200	00
Stenographer, not exceeding	960	00
Engineer, not exceeding	1,200	00
Farmer, not exceeding	1,080	00

It is provided, however, that for any buildings belonging to the Catawba Sanatorium which the business manager, medical director and first assistant physician may occupy, they shall pay therefor such rental as may be fixed by the State Board of Health; it is provided further that the officers of the Sanatorium, except the business manager, medical director and first assistant physician, shall receive in addition to the respective salaries specified above, their board and lodging at the Sanatorium, but shall not receive any additional perquisites or emoluments.

It is further provided that out of this appropriation of one hundred and twelve thousand nine hundred and eighty dollars there is hereby appropriated:

For additional equipment\$ 1,500 00 For installation of refrigerating plant 4,500 00 For screening infirmary 600 00		
Pledmont Sanatorium at Burkeville		
For maintenance and operation of the Piedmont Sanatorium at Burkeville\$	52,280	00
It is provided that out of this appropriation of fifty- two thousand two hundred and thirty dollars the follow- ing salaries shall be paid:		
Superintendent and medical director\$ 3,000 00 Bookkeeper and steward, not exceed-		
ing		
ing		
It is provided, however, that for any buildings belonging to the Piedmont Sanatorium which the superintendent and medical director may occupy he shall pay therefor such rental as may be fixed by the State Board of Health; it is provided further that the officers of the Piedmont Sanatorium, except the superintendent and medical director, shall receive in addition to the respective salaries specified above, their board and lodging at the Sanatorium, but shall not receive any additional perquisites or emoluments.		•
State Penitentiary Farm at Lassiter		
For maintenance and operation of the State Penitentiary Farm at Lassiter	42,035	00
ing salaries shall be paid:  Superintendent		

It is provided, however, that out of this appropriation of fourteen thousand two hundred and eighty dollars the guards at the State Penitentiary Farm, not to exceed seventeen in number, to be appointed by the superintendent thereof, shall not be paid when absent on furlough for more than fifteen days in any one year, whether sick or otherwise; and that substitute guards shall receive the same pay, when employed, as regularly employed guards.

It is further provided that out of this appropriation of forty-two thousand and thirty-five dollars there is hereby appropriated:

For	additional equipment\$	1,250	00
For	completion of water filtration		
	plant	4,000	00
For	the purchase of dairy cattle	2,500	00

It is provided further, that all proceeds and income from the State Farm, or so much thereof as may be necessary, shall be applied by the Board of Directors of The Penitentiary to the maintenance and operation of the State Penitentiary Farm, including the maintenance and care of the prisoners, the maintenance and operation of the hospital located on the said farm, of which a correct and itemized account shall be kept and reports thereof made, and included in the regular annual reports of the Board of Directors of The Penitentiary.

# The Penitentiary at Richmond

ine i enitentially at Richino	nu .		
For maintenance and operation of The Penite Richmond		210,120	00
Out of this appropriation of two hundre thousand one hundred and twenty dollars sha the following salaries, wages, special comp and expenses only:	all be paid		
Superintendent\$ Chief clerk and senior bookkeeper, not	3,000 00		
Identification clerk and clerk of board,	,		
Record clerk, not exceeding  Board of Directors, five members, at	1,320 00		
Chief clerk and senior bookkeeper, not exceeding  Identification clerk and clerk of board, not exceeding  Record clerk, not exceeding	2,400 00 2,280 00 1,320 00		

every day's attendance on the Board, provided that no director

shall	rece	ve :	more	than	\$200	00.0
per a	nnun	; aı	ıd pr	ovided	furt	her
that	out	of	this	appro	pria	tion
shall	be I	bis	the	actual	tra	vel-
ing e	xpen	ses	in ad	dition	to	the
per d	iem (	of th	e re	spectiv	e di	rec-
tors 1	living	ou	tside	the	city	of
Diahr	hand					9

Richmond\$	1,000	00
Assistant Superintendent	2,500	00
Senior keeper, not exceeding	2,000	00
Second keeper, not exceeding	1,800	00
Third keeper, not exceeding	1,700	00
Engineer, not exceeding	1,500	00
Matron, not exceeding	900	00
Guards (25), not exceeding	33,000	00

It is provided, however, that out of this appropriation of thirty-three thousand dollars shall be paid the salaries of the interior and exterior guards of The Penitentiary, not to exceed twenty-five in number, each at a basic rate of compensation of not less than \$1,200 per annum, with such additional amounts as the Board of Directors of The Penitentiary may determine, within the limits of this appropriation, not exceeding \$1,500 per annum in any case; no guard, however, shall be paid when absent on furlough for more than fifteen days in any one year, whether sick or otherwise; and provided further that substitute guards shall receive pay for the time actually employed at the basic rate of compensation, not exceeding \$1,200 per annum.

Surgeon, not exceeding\$	3,000	00
Dentist, not exceeding	1,200	00
Mental examiner, not exceeding	1,200	00
Hospital interne, not exceeding	600	00
Full time educational director, not		
exceeding	2.400	00

It is provided that out of this appropriation of two hundred and ten thousand one hundred and twenty dollars there is hereby appropriated:

For per diem allowance for prisoners in accordance with the provisions of the act approved March 16, 1918 (Acts of Assembly, 1918, chap. 301, pp. 474-476).....\$ 45,000 00

For transportation of prisoners.... 10,000 00

For laundry machinery\$ 2,500 00  For general repairs to buildings and grounds	· .
For establishment of a rotary fund for operation of The Penitentiary industries	
For motor delivery vehicle for industrial department	
For additional equipment for wood-	
working shop 5,135 00 For additional equipment for print-	
ing shop	•
ing shop 900 00	
It is further provided that out of the earnings	1.48
of the industrial department of The Penitentiary, but	್ಲಾಡಿ ಇತ್ತು
not out of the State treasury, the following salaries	1/1504 11/1504
shall be paid:	2 (3), 7 (4) 2 (3), 7
Industrial director, not exceeding\$ 3,000 00	J 4
Bookkeeper, not exceeding 1,800 00	
Instructor-foreman for wood-working	1,22.4.
shop, not exceeding 2,280 00	
Instructor-foreman for printing shop,	•
not exceeding 2,400 00	
Assistant instructor for printing shop,	• ;•
not exceeding	
Instructor-foreman for clothing shop,	
not exceeding 1,500 00	
Virginia Home and Industrial School for Girls at Bon	Air
For maintenance and operation of the Virginia Home and Industrial School for Girls at Bon Air\$	74,570 00
	12,010 2
It is provided that out of this appropriation	•
of seventy-four thousand five hundred and seventy	•
dollars the following salaries shall be paid:	•
Superintendent, not exceeding\$ 2,400 00 Assistant superintendent and recrea-	
tional director, not exceeding 1,200 00	
Nurse and matron, not exceeding 1,200 00	
Farmer, not exceeding	
\$900 each	
Parole officer, not exceeding 900 00	
Bookkeeper, not exceeding 900 00	
Dhaddan act angesting	

Physician, not exceeding.....

600 00

	It is further provided that out of this appropriation		
	of seventy-four thousand five hundred and seventy		
	dollars there is hereby appropriated:		
	For maintenance of public free school. \$ 2,060 00		
	For completion of payment on the		
	Glinn property 10,500 00		
	For enlargement of and installation of		
	heating system on Glinn property 2,500 00		
	For sewerage system		
	For deficit incurred in obtaining neces- sary water supply 10,600 00		
	For new electric power system 5,000 00		
	The Board of Directors of the Virginia Home		
	and Industrial School for Girls at Bon Air are hereby		
	authorized to receive white females from twelve to		
	thirty years of age, convicted of misdemeanors, and		
	committed to said school by the judges and justices of		
	the Commonwealth of Virginia.		
	What at a tradecated Colored Acad Brown A. Cabard		
	Virginia Industrial School for Boys at School		
P.O.	maintenance and operation of the Virginia Industrial	05.510	••
	School for Boys at School\$	95,716	UU
	It is provided that out of this appropriation of		
	ninety-five thousand seven hundred and sixteen dollars the following salaries shall be paid:		
	•		
	Superintendent\$ 2,000 00		
	Assistant superintendent, not exceed- ing		
	Steward and storekeeper, not exceed-		
	ing		
	Clerk, not exceeding		
	Farmer, not exceeding 1,200 00		
	It is further provided that out of this appropriation		
	of ninety-five thousand seven hundred and sixteen		
	dellars there is hereby appropriated:		
	For additional equipment\$ 2,750 00		
	For maintenance of public free school. 3,470 00		
	For transportation of inmates, in ac-		
	cordance with sec. 1956 of the		
	Code of Virginia (1919) 4,000 00		
	For fencing farm		
	For operating deficit incurred prior to State control 22,346 00		
	to State control		
	Virginia Industrial School for Colored Girls at Peak	•	
For	maintenance and operation of the Virginia Industrial		
	School for Colored Girls at Peake\$	26,010	00

It is	provided	that c	out of	this a	pprop	riation of
twenty-siz	k thousan	d and	ten	dollars	the	following
salaries sl	hall be pai	d:				

Superintendent, not exceeding\$	1,500	00
Assistant superintendent, not exceed-		
ing	900	00

It is further provided that out of this appropriation of twenty-six thousand and ten dollars there is hereby appropriated:

For additional equipment.....\$ 2,250 00

# Virginia Manual Labor School for Colored Boys at Hanover

For	maintenance	and	operation	of	the	Virginia	Manual		
	Labor School	for C	colored Boy	s at	Har	over	\$	52,810	00

It is provided that out of this appropriation of fifty-two thousand eight hundred and ten dollars the following salaries shall be paid:

,	Superintendent, not exceeding\$	1,500	00
	Industrial director, not exceeding	900	00
	Disciplinarian, not exceeding	900	00
	Farmer, not exceeding	720	00
	Physician, not exceeding	600	00

It is further provided that out of this appropriation of fifty-two thousand eight hundred and ten dollars there is hereby appropriated:

For additional equipment\$	3,050	00
For maintenance of public free school.	1,620	00
For operating deficit	6,500	00
For repairs and improvements to build-		
ings and grounds	300	00
For enlarging trades building	2,000	00

# **PUBLIC WORKS**

#### State Convict Road Force

For maintenance and operation of the State Convict Road	
Force, in accordance with chap. 87 of the Code of	
Virginia (1919)\$	344,350 00

It is provided that this appropriation of three hundred and forty-four thousand three hundred and fifty dollars hereby made to the State Convict Road Force shall be inclusive of all funds to be used by the State Convict Road Force which are directly payable out of the general fund of the State treasury, including the expenses heretofore paid out of the appropriations out of the general fund of the State treasury for "criminal"

charges"; and it is further provided that the expenditures out of this appropriation of three hundred and forty-four thousand three hundred and fifty dollars shall be made in accordance with the provisions of sec. 2081 of the Code of Virginia (1919).

It is further provided that out of this appropriation of three hundred and forty-four thousand three hundred and fifty dollars the following salaries, wages and special compensations shall be paid:

Superintendent (Superintendent of		
The Penitentiary)\$	1,000	00
Assistant superintendent, not exceed-		
ing	2,500	00
Chief clerk and bookkeeper, not ex-		
ceeding	2,400	00
Stenographer, not exceeding	1,800	
Clerk, not exceeding	1,500	00
Sergeants, not exceeding \$1,500 each.	40,500	00
Guards, not exceeding \$720 each	86,400	00

It also is further provided that out of this appropriation of three hundred and forty-four thousand three hundred and fifty dollars there is hereby appropriated:

For medical care and supervision of convicts in the several State

Convict Road Force camps.....\$ 10,000 00

#### State Highway Commission

10,600 00

Out of this appropriation of ten thousand six hundred dollars shall be paid the following salaries and spectal compensations only:

# State Highway Department

For expenses of administration and engineering......\$ 285,440 00

Out of this appropriation of two hundred and eighty-five thousand four hundred and forty dollars shall be paid the following salaries only:

State Highway Commissioner, assistants, clerks and employes...\$190,740 00 For construction and reconstruction of State highways and to meet Federal aid......\$ 335,245 00 The State Highway Commission is hereby authorized to pay out of State Highway and maintenance funds such additional amounts not to exceed one hundred thousand dollars for administration and engineering expenses of the department as may be approved by the Governor. For construction and maintenance of State and county highways, in accordance with the provisions of chap. 88 of the Code of Virginia (1919), and the provisions of the act approved March 27, 1918 (Acts of Assembly, 1918, chap. 426, pp. 776-778)..... 700,000 00 For construction and reconstruction of State highways and to meet Federal aid, to be paid from the proceeds of special taxes, segregated by law, for the construction and reconstruction of State highways, as estimated by the Auditor of Public Accounts; provided, however, that no part of this appropriation shall be paid out of the general fund of the State treasury .. \$2,344,315 00 For maintenance of State highways to be paid from the proceeds of special taxes, segregated by law, to the maintenance of State highways, as estimated by the Auditor of Public Accounts; provided, however, that no part of this appropriation shall be paid out of the general fund of the State treasury.....\$1,400,000 00 Out of the amounts above appropriated for the construction and for the maintenance of State Highways the State Highway Commission may pay the valid awards made by the Industrial Commission of Virginia in favor of the employes engaged in such work

> Total for the State Highway Department (out of the general fund of the State treasury).....\$1,320,685 00

## CONSERVATION AND CUSTODIANSHIP

and the dependents of killed employes so engaged, as provided under the provisions of the workmen's com-

pensation act.

#### Commission of Fisheries

For expenses of administration.....\$ 19,100 00 Out of this appropriation of nineteen thousand one hundred dollars shall be paid the following salaries and special compensations only: Commissioner of Fisheries.....\$ 2,500 00

	-
Shellfish Commissioner	-
Fisheries (3), not exceeding	
\$200 each per annum 600 00	
Engineer and surveyor, not ex-	•
ceeding 2,500 00	
Assistant engineer and surveyor, not	
exceeding 1,800 00	
Stenographer, not exceeding 1,200 00	
Clerk to the Commission of Fisheries,	
not exceeding 200 00	
For protection of oyster beds and fish\$	57,070 00
· It is provided that out of this appropriation of	**
fifty-seven thousand and seventy dollars there is hereby	•
appropriated:	
For salaries, wages and special com-	•
pensations, not exceeding\$ 21,920 00	
For the purchase and equipment of	
additional boats 10,000 00	
For improvement of oyster beds	5,000 00
Total for the Commission of Fisheries\$	81,170 00
It is provided that out of the total appropriation of eighty-one thousand one hundred and seventy dollars, hereby made to the Commission of Fisheries, there shall be set aside a sum sufficient to meet the expenditures provided for by sec. 3271 of the Code of Virginia (1919).	, a388
It is further provided that all revenues collected	
by the Commission of Fisheries, all other laws or parts	
of laws to the contrary notwithstanding, shall be placed	
in the general fund of the State treasury; and it is	•
provided further that the total appropriations of	
eighty-one thousand one hundred and seventy dollars,	
hereby made to the Commission of Fisheries, shall be	
paid out of the general fund of the State treasury.	
para out of the general fund of the state treasury.	
Registrar of the Land Office	•
(Ex-Officio Superintendent of Grounds and Public Buildin Superintendent of Weights and Measures)	gs and
For providing ice, fuel, light and water for the Capitol	
and Library buildings, Governor's House and power	4
plant\$	16,000 00
p.u.u.	
For issuing and recording instruments of title to public	4 530 00

lands in accordance with law.....

4,530 00

Out	of	this	aj	p <mark>propria</mark>	tion	of	four	thou	sand	fiγe
hundred	and	thir	tу	dollars	shall	be	paid	the	follo	wing
salaries	only	<b>'</b> ;								

salaries only;	10110111111		
Registrar of the Land Office\$ Clerk, not exceeding			
For maintenance and operation of the Capitol groupublic buildings		54,600	00
Out of this appropriation of fifty-four six hundred dollars shall be paid the followir and special compensations only:			
Elevator conductor and watchmen at			
Library (2), not exceeding \$1,260 each	2,520 00		
Night watchman at Library Building,	-,0-0		
not exceeding	1,200 00		
preme Court of Appeals, not ex-			
. ceeding	1,200 00		
Janitors at Library Building (2),			
not exceeding \$1,000 each	2,000 00		
Engineer and electrician, not ex- ceeding	2,000 00		
Assistant engineers at power plant	2,000 00		
(2), not exceeding \$1,500 each	3,000 00		
Firemen at power plant (3), not			
exceeding \$1,200 each	3,600 00		
Capitol policemen (5), not exceed-	0.000.00		
ing \$1,320 each	6,600 00		
charge of convicts in Capitol			
grounds, not exceeding	1,440 00		
Janitors at Capitol Building (3), not			
exceeding \$1,000 each	3,000 00		
Elevator conductor and watchman at	1 000 00		
Capitol Building, not exceeding Substitutes for elevator conductors at	1,260 00		
the Capitol and Library build-			
ings, and engineers and firemen			
at the power plant, while on leave			
of absence with pay, not exceed-			
ing	600 00		
For care of trees in Capitol grounds,			

It is further provided that out of this appropriation of fifty-four thousand six hundred dollars there is hereby appropriated:

not exceeding .....



	•	
	For improvements and additions to toilets in the Capitol Building\$ 2,500 00  For storage battery at power plant 5,000 00	
	Total for the Registrar of the Land Office\$	75,130 00
	State Geological Commission	
For	development of the mineral and forestry resources of the Commonwealth\$	700 00
	Out of this appropriation of seven hundred dollars shall be paid the following salary only:	
	Secretary of the State Geological Commission, not exceeding\$ 300 00	
	State Forester	
For	protection and development of the forest resources of the Commonwealth in accordance with the provisions of chap. 28 of the Code of Virginia (1919)\$	18,000 00
	Out of this appropriation of eighteen thousand dollars shall be paid the following salaries, wages and special compensations only:	
	State Forester \$ 3,000 00	
	Assistant State Forester, not exceed- ing	
	ceeding	
	Clerk and stenographer, not exceeding. 1,200 00 Additional employes, not exceeding. 15,380 00	
	It is further provided that out of this appropriation of eighteen thousand dollars there is hereby appropriated:	
	For motor vehicles	
	For additional equipment 505 00  For repairs and improvements to build-	
	ings on Gallion State Forest 250 00	
	State Geological Survey	
For	geological surveying in accordance with secs. 828-833, inclusive, of the Code of Virginia (1919)\$	18,465 00
	Out of this appropriation of eighteen thousand	

four hundred and sixty-five dollars shall be paid the

following salaries, wages and special compensations only:	
State Geologist, not exceeding\$ 2,000 00 Assistant State Geologist, not exceed-	
ing 1,800 00	
Clerk, not exceeding	
Additional employes, not exceeding 2,180 00	
It is further provided that out of this appropriation of eighteen thousand four hundred and sixty-five dollars there is hereby appropriated:	
For topographic mapping in co-	
operation with the United States Geological Survey\$ 5,000 00	
EXAMINING AND LICENSING	
State Board of Pharmacy	
For regulating the practice of pharmacy in accordance with the provisions of chap. 70 of the Code of Virginia (1919)	5,990 00
with provisions of sec. 1670 of	
the Code of Virginia (1919), not	
exceeding\$ 500 00	
Additional employes, not exceeding 85 00	
MISCELLANEOUS	
Board of Commissioners for the Promotion of Uniformity of in the United States	Legi <b>sla</b> tion
For promoting uniform State laws, not exceeding\$	400 00
Commission on Simplification of Government	
For commission on simplification of government (Acts of General Assembly, 1922, S. B. No. 196), not exceeding	3,000 00
Commission to Present Houdon Statue of George Washin to Great Britain	igton
For expenses in managing report of Housen Status Com-	
For expenses in preparing report of Houdon Statue Commission amount remaining of previous appropriation\$	. 98 28

Confederate Memorial Associations	÷	
For caring for the graves of Confederate dead in accordance with the provisions of the act approved March 16, 1920 (Acts of Assembly, 1920, chap. 209, pp. 301-302), a sum sufficient	2,675	00
<sup>3</sup> nai		
Confederate Museum at Richmond		
For the care of Confederate collections, and the maintenance of the Virginia room at the Confederate Museum at Richmond	1,500	00
Co-Operative Education Association of Virginia		
For promoting rural school and civic improvement in the Commonwealth of Virginia	3,500	00
It is provided, however, that this appropriation of thirty-five hundred dollars shall be inclusive of all funds received by the Co-Operative Education Association of Virginia from the Commonwealth of Virginia, and in lieu of any and all contributions from the respective State departments, institutions or other State agencies.	*	
Home for Needy Confederate Women at Richmond		
For care of needy Confederate women in accordance with the provisions of the act approved March 4, 1914 (Acts of Assembly, 1914, chap. 40, p. 60)\$	12,000	00
Richmond Eye, Ear and Throat Infirmary at Richmon	nd	
For the free care and treatment of indigent Virginia patients suffering from serious diseases of the eye, ear and throat\$	2,000	00
Travelers' Aid Society of Danville		
For the Travelers' Aid Society of Danville, for providing aid for travelers\$	500	00
Travelers' Aid Society of Lynchburg	•	
For the Travelers' Aid Society of Lynchburg, for providing	500	00

Travelers' Aid Society of Newport News		
For the Travelers' Aid Society of Newport News, for providing aid for travelers\$	500	00
Travelers' Aid Society of Norfolk		
For the Travelers' Aid Sockety of Norfolk, for providing aid for travelers\$	1,500	00
Travelers' Aid Society of Petersburg		
For the Travelers' Aid Society of Petersburg, for providing aid for travelers\$	1,000	00
Travelers' Aid Society of Portsmouth		
For the Travelers' Aid Society of Portsmouth, for providing aid for travelers	500	00
Travelers' Aid Society of Roanoke		
For the Travelers' Aid Society of Roanoke, for providing aid for travelers\$	1,000	00
Travelers' Aid Society of Staunton		
For the Travelers' Aid Society of Staunton, for providing aid for travelers\$	500	00
Travelers' Aid Society of Virginia at Richmond		
For the Travelers' Aid Society of Virginia at Richmond, for providing aid for travelers\$	1,500	00
Virginia Crop Improvement Association		
For the Virginia Crop Improvement Association for the improvement of Virginia crops\$	5,000	00
It is provided, however, that this appropriation of five thousand dollars shall be inclusive of all funds received by the Virginia Crop Improvement Association from the Commonwealth of Virginia, and in lieu of any and all contributions from the respective State departments, institutions or other State agencies.		
Virginia Home for Incurables at Richmond		
For the Virginia Home for Incurables at Richmond for care of incurables\$	5,000	00

#### Virginia State Dairymen's Association

500 4.0

It is provided, however, that this appropriation of five hundred dollars shall be inclusive of all funds received by the Virginia State Dairymen's Association from the Commonwealth of Virginia, and in lieu of any and all contributions from the respective State departments, institutions or other State agencies.

# Virginia State Fair Association

5,000 00

It is provided, however, that the Governor of Virginia, and four others, to be appointed by him, two from the State Board of Agriculture and Immigration, and two from the board of directors of the Virginia State Fair Association, Inc., shall constitute a committee of five to determine the number, amount and character of premiums provided for in this appropriation of five thousand dollars. The said committee shall receive no compensation for their services.

It is provided further that the appropriation of five thousand dollars hereby made shall be subject to payment to the Virginia State Fair Association, Inc., upon order of the committee, herewith provided for, by warrant of its chairman.

#### Virginia State Horticultural Society

For the Virginia State Horticultural Society for promoting horticultural development and furthering the interests of horticulture in Virginia......\$

4,500 00

It is provided, however, that this appropriation of four thousand five hundred dollars shall be inclusive of all funds received by the Virginia State Horticultural Society from the Commonwealth of Virginia, and in lieu of any and all contributions from the respective State departments, institutions or other State agencies.

Total appropriations out of the general fund of the State treasury for the year ending February 28, 1923 ......\$11,801,333 22

# 1923-1924

(For the year ending February 29, 1924)

# LEGISLATIVE DEPARTMENT

## General Assembly of Virginia

For legislating for the State...... \$ 97,720 01

Out of this appropriation of ninety-seven thousand seven hundred and twenty dollars and one cent shall be paid the salaries of members, clerks, assistant clerks, officers, pages and employes; the mileage of members, officers and employes; and the incidental expenses of the General Assembly, not exceeding sum of thirty-five hundred dollars each for the Senate and House of Delegates.

It is further provided that out of this appropriation of ninety-seven thousand seven hundred and twenty dollars and one cent there shall be paid to the Clerk of the Senate and the Clerk of the House of Delegates. for that period for which their compensation for services is fixed by law in connection with the present and subsequent sessions of the General Assembly, twelve (\$12.00) dollars per day, a sum sufficient; to the Clerk of the House of Delegates, ten (\$10.00) dollars per day, for such days as he does not receive \$12.00 per day, a sum sufficient; and to the Document Clerk and Librarian of the Senate, the sum of seven dollars (\$7.00) per day except during the sessions of the General Assembly, when he shall receive the sum of eight (\$8.00) dollars per day, and his office shall be open every day, except Sundays and legal holidays, as required by law, a sum sufficient.

# JUDICIARY DEPARTMENT

## Supreme Court of Appeals

For adjudication of legal cases	64,903 00
nine hundred and three dollars shall be paid the follow- ing salaries and wages only:	
President of the Court\$ 5,200 00	.vit
Associate judges (4), at \$5,000 each. 20,000 00	•
Reporter	,
Clerk at Richmond	

Clerk at Staunton	15,000	00
Total for the Supreme Court of Appeals\$	79,903	00
Circuit Courts		
For adjudication of legal cases\$	130,166	68
Out of this appropriation of one hundred and thirty thousand one hundred and sixty-six dollars and sixty-eight cents shall be paid the following salaries and wages only:		
Judges (1)	•	
Corporation or Hustings Courts  For adjudication of legal cases\$  Out of this appropriation of forty-four thousand dollars shall be paid the following salaries only:	44,000	00

Judges (10), at \$3,000 each\$	30,000	00
Judges (3), at \$3,500 each	10,500	00
Clerk at Richmond	1,000	00

For additional salaries of judges of corporation or hustings courts, by reason of vacancies, as provided by the act approved January 31, 1918 (Acts of Assembly, 1918, chap. 11, pp. 11-14), a sum sufficient.

# City Courts

For adjudication of legal cases	\$	16,500	00
Out of this appropriation of sixteen thou hundred dollars shall be paid the following sa wages only:		•	
Judge of the Law and Chancery Court,			
City of Norfolk\$  Judge of the Chancery Court.	3,500 00		
City of Richmond	3,500 00		
City of Richmond	3,500 00		
City of Roanoke	3,000 00		
Compensation to sheriffs and ser- geants, and their deputies, for			
attendance upon the city courts,			

# **EXECUTIVE DEPARTMENT**

3,000 00

#### Governor

Code of Virginia (1919)......

For executive control of the State\$  Out of this appropriation of twenty-three thousand	23,045	00
and forty-five dollars shall be paid the following		
salaries and special compensations only:		
Governor\$ 5,000 00		
Secretary to the Governor, not ex-		
ceeding 3,600 00		
Assistant Secretary, not exceeding 2,100 00		
Confidential stenographer, not exceed-		
ing 1,800 00		
Janitor, messenger and clerk, not ex-		
ceeding 1,200 00		
Elevator conductor and watchman, not	•	
exceeding 1,350 00		
Capitol guide, not exceeding 120 00		

	_	
Substitutes for elevator conductor and watchman, and for janitor, messenger and clerk while on leave of absence with pay\$ 100 00		
For maintenance of Governor's House\$	7,100	00
Out of this appropriation of seven thousand one hundred dollars shall be paid the following salaries only:  Labor at Governor's House, not exceeding		
Total for the Governor\$	30,145	00
Director of the Budget		
For preparation of the budget and carrying out the provisions of the act approved February 19, 1918 (Acts of Assembly, 1918, chap. 64, pp. 118-120)\$	13,800	00
Out of this appropriation of thirteen thousand eight hundred dollars shall be paid the following salaries and special compensations only:		
Director of the Budget		
ADMINISTRATIVE		
Attorney General		
For providing legal services to the State\$	16,910	00
Out of this appropriation of sixteen thousand nine hundred and ten dollars shall be paid the following salaries only:		
Attorney General \$ 4,500 00		
Assistant Attorney General 4,000 00		
Second Assistant Attorney General 2,700 00		
Secretary, not exceeding 1,600 00		
Stenographers (2), not exceeding 2,700 00		
For the enforcement of prohibition in accordance with the provisions of the act approved March 19, 1918 (Acts of Assembly, 1918, chap. 388, pp. 578-620), and of the act approved March 20, 1920 (Acts of Assembly, 1920, chap. 383, pp. 570-572)	70,000	00
* ** ***		-

The Attorney General shall receive the sum of \$500.00 per annum out of this appropriation for his services in connection with the Prohibition Department.

The Assistant Attorney General shall receive as an additional salary the sum of \$500.00 to be paid out of this appropriation for the enforcement of prohibition.

an additional salary the sum of \$500.00 to be paid out of this appropriation for the enforcement of prohibition.		
Total for the Attorney General\$	86,910	00
Auditor of Public Accounts		
For recording the financial transactions of the State\$	50,680	00
Out of this appropriation of fifty thousand six hundred and eighty dollars shall be paid the following salaries and wages only:		
Auditor of Public Accounts\$ 5,000 00  First clerk, assistant to the Auditor		
of Public Accounts and chief bookkeeper		
sistant to the Auditor 2,500 00		
Chief pension clerk		
Chief revenue clerk		
Chief clerk in charge of accounts with treasurers and clerks of courts 2,500 00		
treasurers and clerks of courts. 2,500 00 Additional employes, and premium on		
official bond of the Auditor of		
Public Accounts not exceeding 31,680 00		
For collecting old claims (as authorized by sec. 2596 of the Code of Virginia, 1919), and for adjustment of State		•
litigation	1,000	00
Out of this appropriation of one thousand dollars shall be paid the costs of civil prosecutions in civil cases, expenses and commissions in collecting old debts, etc., in accordance with secs. 2533 and 2534 of the Code of Virginia (1919).		
For refund of capitation taxes (including delinquent capita-		
tion taxes afterwards collected) to counties and cities	250,000	
For registering marriages and divorces	4,100	00
It is provided that this appropriation of four thousand one hundred dollars shall be used in carrying out the provisions of sec. 5099 of the Code of Virginia (1919); and the provisions of the act approved March 15, 1918 (Acts of Assembly, 1918, chap. 220, p. 397).		
For refunding erroneous assessments of taxes under order		
of courts	10,000	00

For	paying clerks for reporting and recording sales of de-		
	linquent lands	10,000	00
For	support of lunatics in jails and in charge of private	•	
	persons	5,000	00
For	payment of pensions	1 000 000	ΔΔ

Out of this appropriation of one million dollars shall be paid to each pensioner in the several classes now on the pension roster or hereafter placed on the pension roster, who is entitled, under the act approved February 28, 1918 (Acts of Assembly, 1918, chapter 85, pp. 143-153), to \$180.00 a year for total blindness, \$250.00 a year; to \$75.00 a year for total disability, \$130.00 a year; to \$55.00 a year for partial disability, \$100.00 a year; to \$86.00 a year for loss of limb, \$130.00 a year; and to each widow of a soldier. sailor or marine, who was married prior to May 1, 1877, and who is otherwise entitled under this act to \$50.00 a year, \$76.00 a year, and to the personal representative of each deceased pensioner \$25.00 for the funeral expenses of such deceased pensioner; provided, however, that the said sum of \$25.00 may be paid without the qualification of a personal representative to the undertaker, when such undertaker shall file his bill, verified by proper affidavit with the Auditor of Public Accounts, together with copy of death certificate of such pensioner; and the other allowances as authorized by the act aforesaid.

It is provided, however, that if any assessment hereafter made of the real estate or personal property, or both, owned at this time by a pensioner on the pension roster shows an increased valuation beyond the amount fixed by law to entitle a pensioner to draw a pension, such increase shall not operate to prevent any such pensioner from receiving the pension he shall receive under the provisions of the said act approved February 28, 1918, provided further that if the property held, as hereinbefore provided, by a Confederate soldier, his wife or widow, assessed at \$2,000 or more, yield a total income less than \$300, including income from all sources, such applicant shall not be denied the benefit of the pension under this section.

It is further provided that the Auditor of Public Accounts shall not use any part of this appropriation of one million dollars for clerk hire, expenses, etc.

And it is further provided that out of the appropriation for public printing, the Superintendent of

Public Printing shall supply all forms and have done and pay for all printing, binding, ruling, etc., required by the Auditor of Public Accounts in pension matters and in connection with the payment of pensions. The Auditor of Public Accounts shall pay quarterly at such dates as he may prescribe the pensions authorized by this act.

10,000 00

For bonds of clerks in State offices.....

750 00

Out of this appropriation of seven hundred and fifty dollars shall be paid the costs of the surety bonds of the State officials and employes in the office of the Auditor of Public Accounts in accordance with the provisions of sec. 325 of the Code of Virginia (1919).

Provided further that the Auditor of Public Accounts is hereby authorized to pay out of the respective appropriations made by this act to the several State departments, the premiums on the official bonds of the respective clerks, in said State departments, specified in sec. 325 of the Code of Virginia (1919), and in accordance with the provisions of said Code section.

.300,000 00

Out of this appropriation of three hundred thousand dollars shall be paid commissions to commissioners of the revenue and examiners of records, and the postage and express charges on land and property books, etc.

For criminal charges ......

500,000 **0**0

Out of this appropriation of five hundred thousand dollars shall be paid the costs incident to the arrest and prosecution of persons charged with the violation of State laws, including expenses of juries, witnesses, etc.; the transportation costs of the State Board of Charities and Corrections as provided by sec. 1907 of the Code of Virginia (1919), and the transportation costs of the Virginia Manual Labor School for Colored Boys (Acts of Assembly, 1920, chap. 344, pp. 515-516), as provided by the act approved February 5, 1900 (Acts of Assembly, 1899-1900, chap. 273, sec. 6, p. 302); cost of maintenance in local falls of persons charged with

L

violation of State laws, including food, clothing, medicine, medical attention, guarding, etc., provided, however, that all jail physicians be paid at the rate provided by law, but not more than five hundred dollars per calendar year shall be paid the jail physician or physicians for any city or county; and coroners' fees, etc.

It is provided, however, that no part of this appropriation of five hundred thousand dollars shall be used for the payment of criminal charges incident to prisoners employed on the State Convict Road Force, or the transportation costs of prisoners committed to the custody of the Virginia Industrial School for Boys (Acts of Assembly, 1920, chap. 76, pp. 64-66).

Total for the Auditor of Public Accounts.....\$2,141,530 00

## Second Auditor

For recording the financial transactions of the State....\$ 12,879 00

Out of this appropriation of twelve thousand

eight hundred and seventy-nine dollars shall be paid the following salaries and wages only:

ond Auditor ..... 2,500 00

Additional employes, not exceeding. 7,009 00

For payment of interest on the State Debt, a sum sufficient..

840,000 00

Out of this appropriation of eight hundred and forty thousand dollars shall be paid the interest on the public debt funded under the acts approved February 14, 1882, February 28, 1892, January 31, 1894; January 23, 1896, and the amendments thereto; as provided by law.

Total for the Second Auditor..... \$ 852,879 00

### Secretary of the Commonwealth

Out of this appropriation of twelve thousand nine hundred and fifty dollars shall be paid the following salaries only:

Secretary of the Commonwealth.....\$ 4,000 00 Chief clerk, not exceeding...... 3,600 00

File clerk, not exceeding\$	1,200 00
Record clerk, not exceeding	1,200 00
Janitor and messenger, not exceeding.	1,200 00

Out of this appropriation of one hundred and twenty-four thousand seven hundred and eighty-five dollars shall be paid the following salaries only:

Clerks (2), not exceeding \$2,400 each\$	4,800	00
Clerks (3), not exceeding \$1,800 each.	5,400	00
Clerks (10), not exceeding \$1,200		
each	12,000	00
Inspector (1), not exceeding	1,800	00
Inspectors (7), not exceeding \$1,500		
each	10,500	00
Additional employes, not exceeding	9,000	00

It is hereby provided, however, that all fees and licenses collected by the Secretary of the Commonwealth for licensing and registering titles to automotive vehicles and recording titles thereto after the close of business on February 28, 1922, together with any funds previously collected for these purposes and still unexpended in the hands of the Secretary of the Commonwealth as of said date, shall be paid direct and promptly into the State treasury to the credit of the State Highway Maintenance and Construction Fund without deductions of any kind being made therefrom; and it is further provided that the funds appropriated for licensing and registering automotive vehicles and recording titles thereto as provided in this act shall be paid out of the State Highway Maintenance and Construction Fund by warrants drawn on the Auditor of Public Accounts by the Secretary of the Commonwealth.

#### State Accountant

For examination of State accounts\$	12,325 00
Out of this appropriation of twelve thousand three	
hundred and twenty-five dollars shall be paid the fol-	
lowing salaries and expenses only:	
State Accountant\$ 3,600 00	
Assistant State Accountant 2500 00	•

Assistant accountant, not exceeding\$ 2,000 00 Stenographer, not exceeding	10,000	
Total for the State Accountant\$	22,325	00
State Treasurer		
For the custody and disbursement of State money	27,781	00
Out of this appropriation of twenty-seven thousand seven hundred and eighty-one dollars shall be paid the following salaries only:	21,102	
State Treasurer	-	
dollars there shall be paid the premium on the official bond of the State Treasurer	, 1600 e	
For expenses of administration of the office of superintendent of public printing	9,560	00
Out of this appropriation of nine thousand five hundred and sixty dollars shall be paid the following salaries only:		
Superintendent of Public Printing\$ 3,600 00 Assistant superintendent 2,750 00 Clerk and stenographer, not exceeding. 1,500 00 Messenger and clerk, not exceeding. 1,200 00		
For public printing	90,200	00
Total for the Superintendent of Public Printing\$  It is hereby provided, however, that no part of this appropriation of ninety-nine thousand seven hundred and sixty dollars for the Superintendent of Public Printing shall be expended in furnishing stationery or other office supplies to any State officer, department, board, institution, or other State agency.	99,760	00

# REGULATIVE

# Bureau of Labor and Industrial Statistics

For expenses of administration of the Bureau of Labor and Industrial Statistics\$	10,590	00
Out of this appropriation of ten thousand five hundred and ninety dollars shall be paid the following salaries only:	<i>~</i> .	
Commissioner of Labor\$ 3,600 00 Assistant Commissioner of Labor and		
chief clerk       2,400 00         Clerk-stenographer, not exceeding       1,500 00         Stenographer, not exceeding       1,200 00	•	
For compilation and publication of industrial statistics	2,100	00
Out of this appropriation of two thousand one hundred dollars shall be paid the following salary only:  Clerk, not exceeding		. ?
For inspection of factories and stores	8,450	oo
Out of this appropriation of eight thousand four hundred and fifty dollars shall be paid the following salaries only:		
Inspector, not exceeding\$ 1,800 00 Inspectors (2), not exceeding \$1,500 each		•
For inspection of mines	8,975	00
Out of this appropriation of eight thousand nine hundred and seventy-five dollars shall be paid the following salaries only:		
Inspectors (3), not exceeding \$1,800 each		
For supervising the employment of women and children in industry	2,525	00
Out of this appropriation of two thousand five hundred and twenty-five dollars shall be paid the following salary only:		
Director, not exceeding\$ 1,800 00		
Total for the Bureau of Labor and Industrial Statistics	32,640	00

Commissioners of the Sinking Fund		
For supervising the debt service of the State\$  Out of this appropriation of six hundred and fifty dollars shall be paid the following salary only:  Secretary, not exceeding\$ 300 00  For providing for the sinking fund for the redemption of the State Debt, a sum sufficient	650	
This appropriation of one hundred and nineteen thousand four hundred and twenty-three dollars and ninety-two cents, or so much thereof as may be necessary, shall be used to carry out the provisions of sec. 2594 of the Code of Virginia (1919).		
Total for the Commissioners of the Sinking Fund\$	120,073	<b>92</b>
State Fee Commission		
For regulating compensation of fee officers\$  Out of this appropriation of two hundred and fifty dollars shall be paid the following salary only:  Stenographer, not exceeding\$ 200 00	250	00
Industrial Commission of Virginia		
For expenses of administration of the Industrial Commission of Virginia	87,752	00
	1 - 00 -	
Out of this appropriation of fifteen thousand and sixty-seven dollars shall be paid the following salaries only:  Chief of claims, not exceeding\$ 3,000 00 Stenographers (3), not exceeding \$ 3,900 00 Medical examiner, not exceeding 1,800 00 Clerks (3), not exceeding 3,240 00	15,067	<b>60</b>
Clerks (0), not checcumg		

· Out of th	nis appropriation	of five	thousand one
hundred and the	hirty dollars shall	be paid	the following
salaries and sp	ecial compensation	ns only:	

Deputy, not exceeding\$	3,000	00
Additional employes, not exceeding	625	00

For insurance and accident statistics.....\$ 6,115 00

Out of this appropriation of six thousand one hundred and fifteen dollars shall be paid the following salaries and special compensations only:

Statistician, not exceeding\$	3,000	00
Stenographer, not exceeding	1,200	00
Additional employes, not exceeding	1.100	00

10,000 00

Total for the Industrial Commission of Virginia..\$

74,064 00

It is hereby provided, however, that on and after March 1, 1922, all receipts from taxes levied and collected under the provisions of the act which became a law on March 21, 1918 (Acts of Assembly, 1918, chap. 400, pp. 637-659), as amended by the act approved March 15, 1920 (Acts of Assembly, 1920, chap. 176, pp. 256-265), on industrial self-insurers, and on the premiums received by industrial insurance carriers, insuring employers in this State against liability for personal injuries to their employes or death caused thereby, together with all other receipts from all sources collected for the support of the Industrial Commission of Virginia, shall be paid direct and promptly into the general fund of the State treasury.

## **Purchasing Commission**

For purchasing commodities for the State.....\$ 11,200 00

Out of this appropriation of eleven thousand two hundred dollars shall be paid the following salaries only:

Commissioner of State Hospitals as		
	1,600	00
Assistant State purchasing agent, not		
exceeding	3,000	00
Clerk and bookkeeper, not exceeding	1,800	00
Clerk and stenographer, not exceeding.	1,500	00



# State Board of Health

For expenses of administration of the State Board of Health.\$	24,464	00
Out of this appropriation of twenty-four thou- sand four hundred and sixty-four dollars shall be paid the following salaries, wages and special compensations only:		
State Health Commissioner \$ 5,000 00		
Bookkeeper, not exceeding		
Members, State Board of Health, not		
exceeding 728 00		
For sanitary engineering	15,450	00
Out of this appropriation of fifteen thousand	•	
four hundred and fifty dollars shall be paid the follow- ing salaries only:		
Chief engineer\$ 3,500 00		
First assistant engineer, not exceeding 3,000 00 Second assistant engineer, not exceed-	•	
ing 2,500 00		
Secretary-stenographer, not exceeding 1,200 00		
For health publicity	5,400	00
Out of this appropriation of five thousand four hundred dollars shall be paid the following salary only:  Director, not exceeding		
For State aid for co-operative sanitation	25,000	00
For prevention of malaria	5,000	00
For inspection of convict camps	750	00
For operation of laboratory	15,000	00
For child welfare and public health nursing	38,020	00
Out of this appropriation of thirty-eight thousand and twenty dollars shall be paid the following salaries only:		
Physician, not exceeding\$ 2,500 00		
Chief nurse, not exceeding		
For control of venereal diseases	10,000	00
For treatment of orthopedic cases	25,000	00
For control of epidemics	5,000	00
		<del></del>

Total for the State Board of Health.....\$ 169,084 00

# **Bureau of Vital Statistics**

For collection and publication of vital statistics	19,935 00
Out of this appropriation of nineteen thousand nine hundred and thirty-five dollars shall be paid the following salaries and wages only:	•
State Registrar of Vital Statistics\$ 3,000 00  Assistant State registrar and statistician, not exceeding 1,800 00	
Additional employes, not exceeding 9,420 00	
For collection and publication of marriage and divorce statistics	2,855 00
Out of this appropriation of two thousand eight hundred and fifty-five dollars shall be paid the fol- lowing salaries only:	
Chief clerk, not exceeding         1,200 00           Clerk, not exceeding         1,080 00	,
For prevention of blindness	2,300 00
Out of this appropriation of two thousand three hundred dollars shall be paid the following salary only:  Clerk, not exceeding	
Total for the Bureau of Vital Statistics\$	25,090 00
State Corporation Commission	
For expenses of administration of the State Corporation	
Commission\$	40 40 4 00
Out of this appropriation of forty-nine thousand	49,105.00
b d d d-llow aball be maid the dellow	49,105.00
one hundred and five dollars shall be paid the follow- ing salaries only:	49,105 00
one hundred and five dollars shall be paid the follow- ing salaries only:  Chairman, State Corporation Com-	49,105 00
ing salaries only:  Chairman, State Corporation Commission	49,105 00
ing salaries only:  Chairman, State Corporation Commission	49,105 00
ing salaries only:  Chairman, State Corporation Commission	49,105 00
ing salaries only:  Chairman, State Corporation Commission	49,105 00
ing salaries only:  Chairman, State Corporation Commission	49,105 00
ing salaries only:  Chairman, State Corporation Commission	49,105 00
ing salaries only:  Chairman, State Corporation Commission	49,105 00
ing salaries only:  Chairman, State Corporation Commission	49,105 00

Out of this appropriation of eight thousand and fifty dollars shall be paid the following salaries only:		
First assistant assessor and special		
representative, not exceeding\$ 3,300 00		
Second assistant assessor, not exceed- ing		
Third assistant assessor, not exceed-		
ing 1,800 00		
For rate regulation\$	9,200	00
Out of this appropriation of nine thousand two		
hundred dollars shall be paid the following salaries only:		
Commerce counsel, not exceeding\$ 4,500 00 Rate clerk, not exceeding 2,700 00		
For regulating heat, light and power, water and telephone		
companies	8.925	00
Out of this appropriation of eight thousand nine	-,	
hundred and twenty-five dollars shall be paid the		
following salaries only:		
Engineer		
First assistant engineer, not exceeding. 2,000 00 Second assistant engineer, not exceed-		
ing 1,800 00		
For civil engineering and mineral land assessments	3,950	00
Out of this appropriation of three thousand nine		
hundred and fifty dollars shall be paid the following		
salary only:		
Civil engineer and assistant assessor		
of mineral lands, not exceeding.\$ 2,750 00		
For regulating sale of securities in accordance with the provisions of the act approved March 20, 1920 (Acts		
of Assembly, 1920, chap. 359, pp. 536-544)	5,875	00
Out of this appropriation of five thousand eight	-	
hundred and seventy-five dollars shall be paid the fol-		
lowing salaries only:		
Assistant director, not exceeding\$ 2,400 00 Inspector, not exceeding 1,800 00		
It is hereby provided, however, that all fees here- after collected by the State Corporation Commission for	•	
regulating the sale of securities under the act approved		
March 20, 1920, aforesaid, shall be paid into the gen-	•	
eral fund of the State treasury.		
For the further expense of inspection, and for the prosecution		
of violations of chapter 408, Acts of Assembly of 1920	3,500	00
-		

Total for the State Corporation Commission.....\$ 88,605 00

## **Banking Division**

Out of this appropriation of forty-three thousand one hundred and eighty dollars shall be paid the following salaries only:

Chief Examiner of Banks\$	4,000	00
Assistant examiners of banks (7), not		
exceeding	19,800	00
Clerk, not exceeding	2,500	00
Stenographer, not exceeding	1,500	00

Out of this appropriation of one thousand six hundred and fifty dollars shall be paid the following salary only:

Stenographer, not exceeding...... \$ 1,200 00

## Bureau of Insurance

Out of this a	appropriation of forty-eight thousand
eight hundred and	seventy-five dollars shall be paid the
following salaries	and special compensations only:

Commissioner of Insurance\$	5,000	00
Deputy Commissioner, actuaries, clerks		
and other employes, and special		
payments to be expended upon the		
approval of the State Corporation		
Commission in accordance with		
law	34,000	00

#### State Tax Board

For supervision and enforcement of tax laws\$	12,550 00
Out of this appropriation of twelve thousand five hundred and fifty dollars shall be paid the following salaries only:	
Counsel and executive assistant\$ 3,500 00 Second assistant, not exceeding 2,500 00 Stenographer and clerk, not exceeding	,
Stenographer, not exceeding 1,200 00 Additional employes, not exceeding 1,000 00	

# MILITARY

# Adjutant General

For	providin	ng mili	tary	protectio	n for	the	State	to be	ex-
	pended	under	the	direction	of the	he M	lilitary	Board	in
	accordance with law								\$

90,000 00

It is hereby provided, however, that the Military Fund be and the same is hereby abolished, and monies shall no longer be set aside by the Auditor of Public Accounts for the said fund.

# Military Contingent Fund

For the military contingent fund out of which to pay the military forces of the Commonwealth when aiding the civil authorities as provided by sec. 305 of an act approved March 16, 1916 (Acts of Assembly, 1916, chap. 516, sec. 305, pages 871-872), a sum sufficient.

#### **EDUCATIONAL**

# College of William and Mary in Virginia at Williamsburg

For maintenance and operation of the College of William and Mary in Virginia at Williamsburg......\$ 222,621 00

It is provided that out of this appropriation of two hundred and twenty-two thousand six hundred and twenty-one dollars there is hereby appropriated:

For the purpose of meeting the requirements of the Federal Smith-Hughes Act, a sum sufficient.

For additional equipment\$	5,000	00
For replacing old steam lines	5,000	00
For construction of new central heat-	•	
ing plant	12,500	00
For making loans to students	1,650	00

For construction of a dormitory and physical education building for men, provided, however, that no part of this appropriation of fifty thousand dollars hereby made shall be available unless and until satisfactory evidence has been furnished to the Governor of Virginia that the sum of \$60,000.00 in addition has been made available by the alumni, friends and officials of the college, without further charge to the Commonwealth, for the erection of said building, and provided further that no money heretofore or hereby appropriated by the General Assembly to the said college for maintenance and other purposes shall be diverted to or used for the erection of said building .....

50.000 00

It is hereby further provided that the Board of Visitors of the College of William and Mary in Virginia shall have power to fix, in their discretion, the rates for board, washing, lights and fuel, notwithstanding anything to the contrary contained in the provisions of chap. 40 of the Code of Virginia (1919).

For assistance in preparing legislation\$	9,451	00
Out of this appropriation of nine thousand four hundred and fifty-one dollars shall be paid the fol- lowing salaries only:		
Director       3,600       60         Assistant to director, not exceeding       2,650       00         Stenographer, not exceeding       1,200       00         Additional employes, not exceeding       900       00		
Medical College of Virginia, at Richmond	٠	
For maintenance and operation of the Medical College of Virginia, College Division, at Richmond\$	56,500	00
For maintenance and operation of the Medical College of Virginia, Hospital Division, at Richmond, for the free treatment, care and maintenance of Virginia patients.  And, in view of the unusual financial condition of the	25,000	00
said Medical College of Virginia and its immediate and pressing need for financial assistance at this time, there is hereby appropriated the additional sum to be used for maintenance and operation of the Medical College and maintenance and operation of the Hospital Division for the free treatment, care and maintenance of Virginia patients, fifteen thousand dollars. It being understood that the said additional appropriation is only for the purpose of aiding said Medical College through temporary financial difficulty	15,000	00
Total for the Medical College of Virginia\$	96,500	00
· State Board of Education		
For salary of Superintendent of Public Instruction (without fees; the fees collected by him to be paid into the general fund of the State treasury)\$	4,500	00
	4,500	v
For traveling expenses of the Superintendent of Public Instruction	1,000	00
For office rent of State Board of Education	2,200	00
For premiums on official bonds of officers and clerks in the office of the Superintendent of Public Instruction, in accordance with the provisions of sec. 325 of the Code		
of Virginia (1919)	40	00
For maintenance of public free schools	1,288,125	00

Out of this sum of four hundred forty thousand dollars segregated to the establishment and maintenance of rural elementary schools, the State Board of Education may use not exceeding twenty thousand dollars for the establishment and maintenance of vacation schools in such sections of the State as the State Board of Education may deem wise and proper, and an amount not exceeding five thousand dollars for training and caring for blind children under eight years of age, or who are not eligible to enter the State schools for the blind, any unused balance of this sum to revert to and become a part of the elementary fund.

It is provided, however, that the entire monies in this whole appropriation of one million two hundred and eighty-eight thousand one hundred and twentyfive dollars, except as otherwise provided, shall be apportioned by the State Board of Education as prescribed by the Constitution of Virginia to the free schools of the several counties and the Commonwealth: provided cities however, that the said State Board of Education shall not apportion any of the said fund to any county or city unless said county or city pay out of local funds at least twenty per centum of the teachers' salaries in the said county or city; and provided further, however, that in exceptional cases the State Board of Education may except from this rule a county which is unable to pay more than ten per centum of the teachers salaries.

It is provided that out of this appropriation of two hundred thousand dollars for public high schools,



an amount, not to exceed fifteen thousand dollars, may be used by the State Board of Education to encourage the teaching of home economics in such schools.

For use exclusively for the promotion of vocational education in agriculture and in the trades, home economics and industries in high schools and for the preparation of teachers of vocational subjects, as provided by the Act of Congress approved February 23, 1917 (Public Act No. 347 Sixty-fourth Congress) to be expended under rules and regulations of the State Board of Education, in accordance with provisions of sec. 6 of the act approved February 23, 1918 (Acts of Assembly, 1918, chap. 73, sec. 6, pp. 132-133).....\$ 110,653 87

For maintenance of summer normal schools and institutes, not exceeding ......

5.000 00

It is provided, however, that no Virginia teacher shall be charged tuition in normal schools or institutes. receiving support out of this appropriation; and it is further provided that no part of this appropriation shall be turned over to any educational institution receiving appropriations from the State for maintenance of summer schools.

For maintenance of libraries in public schools in accordance with provisions of secs. 754 and 755 of the Code of Virginia (1919) ......

3,000 00

For school teachers' pension fund for the retirement of public school teachers in accordance with the provisions of chap. 36 of the Code of Virginia (1919)......

10,000 00

For maintenance of schools for the Mattaponi and Pamunkey Indians, not exceeding ......

2,500 00

For maintenance of schools for the Cuban tribe of Indians in Halifax county .....

800 00

For maintenance of agricultural high schools.....

45.000 00

It is provided, however, that this appropriation of forty-five thousand dollars shall be used for the maintenance and equipment of agricultural high schools in Virginia and for betterments and for additional dormitory space in such schools, and for extension work in agriculture, gardening, canning and domestic science, as may be needed, to be expended under the direction and supervision of the State Board of Education.

41,067 50

For maintenance of public free schools to be paid from the proceeds of special taxes segregated by law to the support of the public free schools as estimated by the Auditor of Public Accounts; provided, however, that no part of this appropriation shall be paid out of the general fund of the State treasury......\$3,650,000 00

Total for the State Board of Education (out of the general fund of the State treasury)......\$1,697,818 87

## State Library at Richmond

For maintenance and operation of the State I Richmond	-	
Out of this appropriation of forty-one sixty-seven dollars and fifty cents shall be following salaries and wages only:		
State Librarian\$	3,300 00	
Assistant State Librarian, not exceed-		
ing	2,700 00	
Head of traveling libraries department,	•	
not exceeding	2,000 00	
Archivist, not exceeding	2,000 00	
Extension libraries organizer, not ex-		
ceeding	2,000 00	
Reference librarian, not exceeding	2,000 00	
Secretary to the State Librarian, not		
exceeding	1,600 00	
Catalogers (2), not exceeding \$1,500		
each	3,000 00	
Assistant in charge of serials, not ex-		
ceeding	1,500 00	١
Assistant archivist, not exceeding	1,200 00	
Doorkeeper and janitor, not exceeding	1,020 00	)
Janitor, not exceeding	1,000 00	
Additional employes, not exceeding	2,220 00	ŀ
It is further provided that out of this app	propriation	
of forty-one thousand sixty-seven dollars	and fifty	
cents there is hereby appropriated:		
For additional equipment\$	6,415 00	1
For publications	2,500 00	F
For making photostat copies of Con-		
federate military records in		
possession of War Department at		
Washington	2.500 00	)

And it is hereby further provided that all fees and other revenues segregated to the Library Fund in accordance with sec. 349 of the Code of Virginia (1919),

and all other fees and revenues hereafter collected by the State Library shall be paid into the general fund of the State treasury; and the said Library Fund be and the same is hereby abolished.

#### State Museum at Richmond

**~**. .

For maintenance and operation of the State Museum at	
Richmond\$	1,775 00
Out of this appropriation of one thousand seven	
hundred and seventy-five dollars shall be paid the fol-	

# University of Virginia at Charlottesville

For maintenance and operation	of the	University	of	Vir-	
ginia at Charlottesville				2	276.700 00

Out of this appropriation of two hundred and seventy-six thousand and seven hundred dollars it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the existing interest-bearing debt of the University, and to constitute the sinking fund in accordance with the provisions of sec. 820 of the Code of Virginia (1919)...\$ 11,705 00

It is further provided that out of this appropriation of two hundred and seventy-six thousand and seven hundred dollars there is hereby appropriated:

This appropriation of two hundred and seventysix thousand and seven hundred dollars is made upon the condition that the University of Virginia shall give instruction to properly prepared white students of the State of Virginia in accordance with the provisions of sec. 819 of the Code of Virginia (1919); with the proviso that there shall be no charge for tuition or University fee in the academic department of more

For extension work ......

75 4

than ten (\$10.00) dollars, which ten dollars shall cover all the items covered by the former University fee of forty (\$40.00) dollars, but shall not interfere with the ten (\$10.00) dollars contingent deposit.

## Virginia Agricultural and Mechanical College and Polytechnic Institute at Blacksburg

It is further provided that out of this appropriation of three hundred and forty-one thousand eight hundred and seventy-nine dollars there is hereby appropriated:

For the purpose of meeting the requirements of the Federal Smith-Hughes Act, a sum sufficient. For additional equipment.....\$ 24,350 00 For addition to greenhouses..... 1,000 00 For the purchase of Shorthorn, Hereford and Angus cattle to establish representative herds of beef cattle 10,000 00 For buildings for beef cattle herds... 4,000 00 For general repairs to buildings and grounds ..... 20,000 00 For construction of new central heating plant ...... 50,000 00 For deficit incurred in providing coal necessary for operation of power 10,000 00

#### **Extension Division**

for the Extension Division of the Virginia Agricultural and Mechanical College and Polytechnic Institute at Blacksburg for the purpose of conducting demonstration

plant ......
For making loans to students......



2.000 00

work in the State of Virginla or in the several counties therein in connection and co-operation with the United States Department of Agriculture, under the provisions of the Federal Smith-Lever Act and other Federal Acts for extension	188,167	80
Virginia Agricultural Experiment Station at Blacksbu	ırg	
For maintenance and operation of the Virginia Agricultural Experiment Station at Blacksburg and the several county experiment stations under its control, and for carrying out the provisions of the act approved March 15, 1906 (Acts of Assembly, 1906, chap. 226, pp. 386-387), in accordance with sec. 932 of the Code of Virginia (1919)	52,925	00
It is provided that out of this appropriation of fifty-two thousand nine hundred and twenty-five dollars there is hereby appropriated:  For additional equipment\$ 3,550 00	•	
Virginia Military Institute at Lexington		
Out of this appropriation of one hundred and sixty-seven thousand eight hundred and seventy-three dollars it is provided that the traveling expenses of the board of visitors, except the Adjutant General and the	167,873	00
Superintendent of Public Instruction shall be paid, not exceeding		
Virginia Normal and Industrial Institute at Petersburg	g	
For maintenance and operation of the Virginia Normal and Industrial Institute at Petersburg	95,265	00

For installation of new boilers in cen-
tral heating plant\$ 3,500 00
For repairs and improvements to main
building
cattle
For authorized operating deficit 12,400 00
For deficit incurred in making au-
thorized necessary repairs to
buildings 7,500 00
Virginia Normal School Board
For supervision of the State normal schools for women\$ 2,500 00
Out of this appropriation of two thousand five hundred dollars shall be paid the traveling expenses of the members of the Virginia Normal School Board; and no part of the appropriations to the several normal schools shall be used for this purposes, not exceeding
It is further provided that out of this appropriation of two thousand five hundred dollars shall be paid the following salaries and special compensations only:
Secretary-auditor, not exceeding\$ 1,200 00 Additional employes, not exceeding 150 00
State Normal School for Women at East Radford
For maintenance and operation of the State Normal School for Women at East Radford
It is provided that out of this appropriation of one hundred and thirty-seven thousand four hundred and forty-seven dollars there is hereby appropriated:
For additional equipment \$ 5,200 00
For equipment for new dormitory 5,000 00 For additional equipment for kitchen 2,500 00
For completion of third unit of dormi-
tory 50,000 00
For making loans to students 800 00
State Normal School for Women at Farmville
For maintenance and operation of the State Normal School
for Women at Farmville \$ 122,160 00
It is provided that out of this appropriation of one

For repairs and improvements to central heating system\$ 9,000 00  For making loans to students 800 00	
State Normal School for Women at Fredericksburg	
For maintenance and operation of the State Normal School for Women at Fredericksburg	1 00
It is provided that out of this appropriation of eighty-two thousand three hundred and eighty-one dollars there is hereby appropriated:	
For additional equipment\$ 2,700 00	
For concrete driveway 4,500 00	
For concrete walks 600 00	
For restoration of amphitheatre 2,500 00	
For repairs and improvements to Mar-	
tin Scott's Cottage 1,500 00	
For making loans to students 500 00	
. State Normal School for Women at Harrisonburg	
For maintenance and operation of the State Normal School for Women at Harrisonburg	3 00
For additional equipment\$ 2,300 00	
For improvements to grounds and	
walks 1,000 00	
For completion of Alumni Building 20,000 00	
For equipment for Alumni Building 2,500 00	
For repairs and improvements to	
Maury Hall	
For making loans to students 600 00	
Virginia School for the Deaf and Blind at Staunton	
For maintenance and operation of the Virginia School for the Deaf and Blind at Staunton\$ 108,728	
It is provided that out of this appropriation of	, 00
one hundred and eight thousand seven hundred and	
twenty-five dollars there is hereby appropriated:	
For additional equipment\$ 2,150 00	
For installation of refrigerating plant. 2,500 00	
· · · · · · · · · · · · · · · · ·	

For fencing farm\$ 600 00  For fuel deficit		
Virginia State School for Colored Deaf and Blind Children at Newport News		
For maintenance and operation of the Virginia State School for Colored Deaf and Blind Children at Newport News.\$	31,075	00
Virginia War History Commission		
For preparing war history of Virginia\$	7,500	00
AGRICULTURAL		
Department of Agriculture and Immigration		
For expenses of administration of the Department of Agriculture and Immigration\$	7,000	00
Out of this appropriation of seven thousand dollars shall be paid the following salaries only:  Commissioner of Agriculture and Immigration (which shall be in full for his services; all fees of office to be paid into the State treasury.\$4,000 00  Assistant Commissioner and Editor 3,000 00		
For advertising the resources of the State	8,000	00
For testing of seeds and indentification of plants and plant diseases, as provided by law	16,395	00
For collection and compilation of statistics relating to agriculture in Virginia as required by law	4,850	00
It is further provided that out of the fees and taxes collected by the Department of Agriculture and Immigration for the enforcement of the laws by which the respective fees and taxes are paid, but not out of the general fund of the State treasury, there is hereby appropriated:		
For expenses of administration of the Department of Agriculture and Immigration, exclusive of the salaries of the Commissioner of Agriculture and Immigration and the Assistant Commissioner and Editor\$ 23,845 00		

secticides, fungicides, agricultural lime and seed, as provided by		
law\$ 17,950 00		
For publicity for agricultural advance-		
ment		
and minerals 36,630 00		
For licensing and inspection of com- mission merchants, in accordance		
with the provisions of sec.		
1257-1263, inclusive, of the Code		
of Virginia (1919) 1,800 00		
For maintenance and operation of experiment stations in Augusta,		
Charlotte and Henry counties for		
experimenting with and testing fertilizers		
Total for the Department of Agriculture and Im-		
migration (out of the general fund of the State treasury)\$	36,245	00
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	,	
Dairy and Food Division		
For expenses of administration of the Dairy and Food		
Division\$	15,175	00
Out of this appropriation of fifteen thousand one	15,175	00
	15,175	00
Out of this appropriation of fifteen thousand one hundred and seventy-five dollars shall be paid the following salaries only:  Dairy and Food Commissioner\$ 3,000 00	15,175	00
Out of this appropriation of fifteen thousand one hundred and seventy-five dollars shall be paid the following salaries only:  Dairy and Food Commissioner\$ 3,000 00 Deputy Commissioner, not exceeding 2,600 00	15,175	00
Out of this appropriation of fifteen thousand one hundred and seventy-five dollars shall be paid the following salaries only:  Dairy and Food Commissioner\$ 3,000 00 Deputy Commissioner, not exceeding 2,600 00 Chief clerk, not exceeding 2,100 00	15,175	00
Out of this appropriation of fifteen thousand one hundred and seventy-five dollars shall be paid the following salaries only:  Dairy and Food Commissioner\$ 3,000 00 Deputy Commissioner, not exceeding 2,600 00	15,175	00
Out of this appropriation of fifteen thousand one hundred and seventy-five dollars shall be paid the following salaries only:  Dairy and Food Commissioner\$ 3,000 00 Deputy Commissioner, not exceeding 2,600 00 Chief clerk, not exceeding	15,175	00
Out of this appropriation of fifteen thousand one hundred and seventy-five dollars shall be paid the following salaries only:  Dairy and Food Commissioner\$\$3,000 00 Deputy Commissioner, not exceeding2,600 00 Chief clerk, not exceeding	15,175	Oθ
Out of this appropriation of fifteen thousand one hundred and seventy-five dollars shall be paid the following salaries only:  Dairy and Food Commissioner\$ 3,000 00 Deputy Commissioner, not exceeding 2,600 00 Chief clerk, not exceeding	15,175 25,000	
Out of this appropriation of fifteen thousand one hundred and seventy-five dollars shall be paid the following salaries only:  Dairy and Food Commissioner\$ 3,000 00 Deputy Commissioner, not exceeding 2,600 00 Chief clerk, not exceeding 2,100 00 Stenographer, not exceeding 1,200 00 Filing clerk, not exceeding 1,080 00 Bookkeeper, not exceeding 1,320 00  For prevention of bovine tuberculosis, to be expended in accordance with the provisions of sec. 1225 of the Code of Virginia (1919)		
Out of this appropriation of fifteen thousand one hundred and seventy-five dollars shall be paid the following salaries only:  Dairy and Food Commissioner\$ 3,000 00 Deputy Commissioner, not exceeding 2,600 00 Chief clerk, not exceeding	25,000	00
Out of this appropriation of fifteen thousand one hundred and seventy-five dollars shall be paid the following salaries only:  Dairy and Food Commissioner\$ 3,000 00 Deputy Commissioner, not exceeding	25,000 5,175	00
Out of this appropriation of fifteen thousand one hundred and seventy-five dollars shall be paid the following salaries only:  Dairy and Food Commissioner\$ 3,000 00 Deputy Commissioner, not exceeding 2,600 00 Chief clerk, not exceeding	25,000	00

of the general fund of the State treasury, there is hereby appropriated:		
For inspection and development of dairies		
Total for the Dairy and Food Division (out of the general fund of the State treasury)\$	48,850	00
Division of Markets		
For collecting and disseminating market information, and for carrying out the other provisions of sections 1250 to 1256 of the Code of Virginia (1919)	20,000	00
State Board of Crop Pest Commissioners		
For furnishing protection from crop pests\$	16,055	00
Out of this appropriation of sixteen thousand and fifty-five dollars shall be paid the following salaries, wages and special compensations only:  State Entomologist		
Additional employes, not exceeding 9,360 00		
For eradication of the Oriental moth pest	2,670	00
Out of this appropriation of two thousand six hundred and seventy dollars shall be paid the following salaries only:		
Associate Entomologist, not exceeding.\$ 1,980 00		
It is hereby provided that all receipts of the State Board of Crop Pest Commissioners from the registration and certification of nurseries, segregated by the Auditor of Public Accounts in a special fund and paid over from time to time to the State Board of Crop Pest Commissioners in accordance with secs. 882 and 883 of the Code of Virginia (1919), in regulating the sale of nursery stock in Virginia, and all other fees and revenues hereafter collected by the State Board of Crop Pest Commissioners shall be paid into the general fund of the State treasury; and the special segregated fund from the receipts from the registration and certification of nurseries be and the same is hereby abolished.		
Total for the State Board of Crop Pest Commis-	10 505	00

sioners .....\$ 18,725 00

State Live Stock Sanitary Board		
For protecting live stock from diseases\$	21,670	00
Out of this appropriation of twenty-one thousand six hundred and seventy dollars shall be paid the fol- lowing salaries and special compensations only:		
State Veterinarian\$ 4,000 00 Assistant State Veterinarian, not ex-		
ceeding		
ceeding		
ing		
Virginia Truck Experiment Station at Norfolk	****	نحه
For experimentation in truck crop development\$	22,960	00
Out of this appropriation of twenty-two thousand nine hundred and sixty dollars shall be paid the follow- ing salaries and wages only:		•
Director\$ 3,500 00		
Horticulturist, not exceeding 2,800 00		
Assistant Horticulturist, not exceeding. 1,500 00 Associate plant pathologist, not ex-		
$\begin{array}{cccc} \textbf{ceeding} & \dots & 2,500 & 00 \\ \textbf{Associate entomologist, not exceeding.} & 2,500 & 00 \\ \end{array}$		
Clerk and stenographer, not exceeding. 1,500 00		
Farm foreman, not exceeding 1,200 00		
Additional employes, not exceeding 4,340 00		
For experimentation in truck crop development on the Eastern Shore of Virginia	2,110	00
Total for the Virginia Truck Experiment Station at Norfolk\$	25,070	00
CARE OF DEFECTIVES AND DEPENDENTS		
Board of Charities and Corrections		
For expenses of administration of the Board of Charities and Corrections	8,700	00
Out of this appropriation of eight thousand seven hundred dollars shall be paid the following salaries and special compensations only:		
Secretary		

Stenographer, not exceeding\$ 1,200 00 Additional employes, not exceeding 250 00  For placing and supervising children in homes and institutions\$  Out of this appropriation of five thousand five hundred and fifty dollars shall be paid the following salaries and special compensations only:  Agents (3), not exceeding\$ 2,100 00	5,550 00
Additional employes, not exceeding 1,000 00  For protecting and supervising feeble-minded persons in homes, under provisions of sec. 1903 of the Code of Virginia (1919); and for after-care of mentally defective persons, and for the inspection of prisons	3,550 00
Out of this appropriation of three thousand five hundred and fifty dollars shall be paid the following salary only:  Special agent, not exceeding\$ 2,400 00	
Total for the Board of Charities and Corrections\$	17,800 00
Commissioner of State Hospitals  For administration of the State hospitals for the insane and the State Colony for Epileptics and the Feebleminded	2,700 00
It is provided, however, that no part of the annual appropriation for any hospital or for the State Colony for Epileptics and the Feeble-Minded shall be used for any expense of the Commissioner of State Hospitals.	•
Central State Hospital at Petersburg  For maintenance and operation of the Central State Hospital	
at Petersburg\$	386,510 00
It is provided that out of this appropriation of three hundred and eighty-six thousand five hundred and ten	
dollars the following salaries shall be paid:	

therefor such rental as may be fix special board of directors of th		•	
State Hospital.	_		
Steward, not exceeding\$	2,	000	00
Clerk and bookkeeper (who shall			
perform the duties of secretary to			
the special board of directors),	_		
not exceeding		800	
Storekeeper, not exceeding	1,	200	00
Stenographers (2), not exceeding	1,	800	00
First assistant physician, not exceed-			
ing	2,	400	00
Second assistant physician, not ex-			
ceeding	2,	000	00
Third assistant physician, not exceed-	-		
ing	1.	800	00
Fourth assistant physician, not exceed-	-,	• • •	
ing	1.	800	00
Fifth assistant physician, not exceed-	-,		•
ing	1	500	ΔΔ
<del>-</del>		500	
Dentist, not exceeding			
Engineer, not exceeding		200	
Farmer, not exceeding	1,	200	00

It is provided, however, that the officers of the Central State Hospital shall receive in addition to the respective salaries specified above, their board and lodging at the hospital, but shall not receive any additional perquisites or emoluments.

It is further provided that out of this appropriation of three hundred and eighty-six thousand five hundred and ten dollars there is hereby appropriated:

For additional equipment\$	15,150	00
For sanitary improvements to wards	800	00
For crop barns	1,000	00
For silo	650	00
For wire fence for female yard	1,000	00
For fencing farm	350	00
For porches for female psychopathic		
building, epileptic building, dis-		
turbed wards and infirmaries	2,000	00
For new flooring in buildings	1,000	00

## Eastern State Hospital at Williamsburg

It is provided that out of this appropriation of two hundred and fourteen thousand six hundred and forty dollars the following salaries shall be paid:

Superintendent .....\$ 3,000 00

It is provided, however, that for any buildings belonging to the hospital which the superintendent may occupy, he shall pay therefor such rental as may be fixed by the special board of directors of the Eastern State Hospital.

Steward, not exceeding\$	1,750	00
Clerk (who shall perform the duties		
of secretary to the special board		
of directors), not exceeding	1,200	00
Stenographer, not exceeding	900	00
First assistant physician, not ex-		
ceeding	2,400	00
Second assistant physician, not ex-		
ing	2,000	00
Third assistant physician, not exceed-		
ing	1,800	00
Pharmacist and storekeeper, not ex-		
ceeding	1,500	00
Engineer, not exceeding	1,200	00
Farmer, not exceeding	900	00

It is provided, however, that the officers of the Eastern State Hospital shall receive in addition to the respective salaries specified above, their board and lodging at the hospital, but shall not receive any additional perquisites or emoluments.

It is further provided that out of this appropriation of two hundred and fourteen thousand six hundred and forty dollars there is hereby appropriated:

#### Southwestern State Hospital at Marion

For maintenance and operation of the Southwestern State

Hospital at Marion ......\$ 154,795 00

It is provided that out of this appropriation of one hundred and fifty-four thousand seven hundred and ninety-five dollars the following salaries shall be paid:

Superintendent .....\$ 3,000 00

It is provided, however, that for any
buildings belonging to the hospital which the
superintendent may occupy, he shall pay
therefor such rental as may be fixed by the
special board of directors of the Southwestern
State Hospital.

State Hospital.		
Steward, not exceeding\$	1,800	00
Clerk (who shall perform the duties		
of secretary to the special board		
of directors), not exceeding	1,500	00
Stenographer, not exceeding	900	00
First assistant physician, not exceed-		
ing	2,400	00
Second assistant physician, not ex-		
ceeding	2,200	00
Third assistant physician and bacterio-		
logist, not exceeding	2,000	00
Dentist, not exceeding	1,200	00
Engineer and electrician, not ex-		
ceeding	1,200	00
Farmer, not exceeding	750	00

It is provided, however, that the officers of the Southwestern State Hospital shall receive in addition to the respective salaries specified above, their board and lodging at the hospital, but shall not receive any additional perquisites or emoluments.

## Western State Hospital at Staunton

For maintenance and operation of the Western State Hospital at Staunton	209,500	00
It is provided that out of this appropriation of two hundred and nine thousand five hundred dollars the following salaries shall be paid:  Superintendent		

It is provided, however, that for any buildings belonging to the hospital which the superintendent may occupy, he shall pay therefor such rental as may be fixed by the special board of directors of the Western State Hospital.

Hospitai.	
Steward, not exceeding\$	1,800 00
Clerk (who shall perform the duties of	
secretary to the special board	
of directors), not exceeding	1,700 00
Stenographers (2), not exceeding	1,620 00



First assistant physician, not exceed-		
ing\$	2,400	00
First assistant physician (female),		
not exceeding	2,200	00
Second assistant physician, druggist		
and X-ray man, not exceeding	2,200	00
Second assistant physician (female),		
not exceeding	1,800	00
Bacteriologist and dentist, not exceed-		
ing	1,500	00
Engineer and electrician, not exceed-		
ing	1,200	00
Farmer, not exceeding	540	00

It is provided, however, that the officers of the Western State Hospital shall receive in addition to the respective salaries specified above, their board and lodging at the hospital, but shall not receive any additional perquisites or emoluments.

# State Colony for Epileptics and the Feeble-Minded at Colony

ac 551613	
For maintenance and operation of the State Colony for Epileptics and the Feeble-Minded at Colony\$	171,580 00
It is provided that out of this appropriation of one hundred and seventy-one thousand five hundred and eighty dollars the following salaries shall be paid:  Superintendent	•
buildings belonging to the Colony which the superintendent may occupy, he shall pay therefor such rental as may be fixed by the special board of directors of the State Colony for Epileptics and the Feeble-Minded.	
Steward and clerk (who shall perform the duties of secretary to the special board of directors), not exceeding\$ 1,750 00	
Stenographer and psychologist, not exceeding	
ologist, not exceeding	
Engineer, not exceeding	

It is provided, however, that the officers of the State Colony for Eplleptics and the Feeble-Minded shall receive in addition to the respective salaries specified above, their board and lodging at the Colony, but shall not receive any additional perquisites or emoluments.

It is further provided that out of this appropriation of one hundred and seventy-one thousand five hundred and eighty dollars there is hereby appropriated:

For additional equipment\$	4,120	00
For grating and screens for dormitory		
porches	2,500	00
For improvements and additions to		
buildings and grounds	1,075	00
For additional building and equipment		
for epileptic patients	42,500	00

#### R. E. Lee Camp Soldiers' Home at Richmond

For maintenance and operation of the R. E. Lee Camp Soldiers' Home at Richmond......\$

96,500 00

It is provided that out of this appropriation of ninety-six thousand five hundred dollars the following salaries shall be paid:

Superintendent\$	2,400	00
Surgeon, not exceeding	1,200	00
Head nurse, not exceeding	1,200	00
Engineer, not exceeding	1,200	00

It is provided, however, that the officers of the R. E. Lee Camp Soldiers' Home shall receive in addition to the respective salaries specified above, their board and lodging at the Home, but shall not receive any additional perquisites or emoluments.

For providing for incidental personal expenses of Confederate Veterans, a monthly allowance of \$3.00 to each inmate of the R. E. Lee Camp Soldiers' Home at Richmond, in accordance with law, to be paid out of the maintenance and operation fund.

For relief of needy Confederate Veterans afflicted with contagious diseases or cancer, in accordance with law....

4,000 00

## Catawba Sanatorium Near Salem

For maintenance and operation of the Catawba Sanatorium near Salem\$  It is provided that out of this appropriation of one hundred and fifty-four thousand seven hundred and eighty dollars the following salaries shall be paid:  Business Manager	154,780 00
Chief clerk, not exceeding	
Third assistant physician, not exceeding	
Stenographer, not exceeding	
director and first assistant physician may oc- cupy, they shall pay therefor such rental as may be fixed by the State Board of Health; it is provided further that the officers of the Sanatorium, except the business manager, medical director and first assistant physician, shall receive, in addition to the respective salaries specified above, their board and lodging at the Sanatorium, but shall not re- ceive any additional perquisites or emolu- ments.	
It is further provided that out of this appropria- tion of one; hundred and fifty-four thousand seven hun- dred and eighty dollars there is hereby appropriated:	· :
For additional equipment\$ 2,000 00  For installation of refrigerating plant. 4,500 00  For installation of elevator in infirmary building	
engine 1,500 00	· 35 : ·

For completion of dining-room, kitchen		
and storage buildings\$	25,000	00
For erection of two cottages for resi-		
dent physicians	5,000	00
For completion of second story of office		
building	3,500	00
For construction of concrete reservoir.	3,500	00
For screening infirmary	600	00

#### Piedmont Sanatorium at Burkeville

For	maintenance and	operation of the	Piedmont	Sanatorium		
	at Burkeville			\$	56,310	00

It is provided that out of this appropriation of fifty-six thousand three hundred and ten dollars the following salaries shall be paid:

Superintendent and medical director.\$	3,000 00	
Bookkeeper and steward, not exceed-		
ing	1,500 00	
Stenographer, not exceeding	900 00	
First assistant physician, not exceed-		
ing	1,900 00	
Head nurse, not exceeding	1,500 00	
Farmer, not exceeding	900 00	

It is provided, however, that for any buildings belonging to the Piedmont Sanatorium which the superintendent and medical director may occupy he shall pay therefor such rental as may be fixed by the State Board of Health; it is provided further that the officers of the Piedmont Sanatorium, except the superintendent and medical director, shall receive in addition to the respective salaries, specified above their board and lodging at the Sanatorium, but shall not receive any additional perquisites or emoluments.

It is further provided that out of this appropriation of forty-five thousand three hundred and ten dollars there is hereby appropriated:

For	clearing woodland\$	1,000	<b>00</b> .
For	draining, tiling and clearing		,
	farm land	1,000	00
For	fencing farm	500	00
For	motor vehicles	2.500	00

#### CORRECTIONAL

#### State Penitentiary Farm at Lassiter

For maintenance and operation of the State Penitentiar,	y
Farm at Lassiter	.\$ 39,235 00
It is provided that out of this appropriation o	f
thirty-nine thousand two hundred and thirty-five dol	•
lars the following salaries shall be paid:	

Superintendent\$	2,500	00
Surgeon, not exceeding	1,800	00
Bookkeeper, not exceeding	1,200	00
Machinist, not exceeding	1,200	00
Farmers (2), not exceeding \$1,200		
each	2,400	00
Dairyman, not exceeding	1,200	00
Steward, not exceeding	1,080	00
Guards (17), not exceeding \$840 each.	14,280	00

It is provided, however, that out of this appropriation of fourteen thousand two hundred and eighty dollars the guards at the State Penitentiary Farm, not to exceed seventeen in number, to be appointed by the superintendent thereof, shall not be paid when absent on furlough for more than fifteen days in any one year, whether sick or otherwise; and that substitute guards shall receive the same pay, when employed, as regularly employed guards.

It is further provided that out of this appropriation of thirty-nine thousand two hundred and thirtyfive dollars there is hereby appropriated:

For additional equipment\$	1,450	00
For connecting superintendent's, sur-		
geon's and clerk's houses with		
central heating plant	1,000	00
For the purchase of dairy cattle	2,500	00

It is provided, further, that all proceeds and income from the State farm, or so much thereof as may be necessary, shall be applied by the Board of Directors of The Penitentiary to the maintenance and operation of the State Penitentiary Farm, including the maintenance and care of the prisoners, the maintenance and operation of the hospital located on the said farm, of which a correct and itemized account shall be kept and reports thereof made, and included in the regular annual reports of the Board of Directors of The Penitentiary.

Digitized by Google

00

## The Penitentiary at Richmond

For maintenance and operation of The Peniten Richmond	-
Out of this appropriation of one hund ninety thousand and eighty-five dollars shall the following salaries, wages, special compe and expenses only:	be paid
Superintendent\$	3,000 00
Chief clerk and senior bookkeeper,	
	2,400 00
Identification clerk and clerk of board,	
	2,280 00
,,,	1,320 00
Board of Directors, five members,	
at the rate of \$3.00 each per day	
for every day's attendance on the	
Board, provided that no director	
shall receive more than \$200.00	
per annum; and provided further	
that out of this appropriation	
shall be paid the actual traveling	
expenses in addition to the per	
diem of the respective directors	
living outside the city of Rich-	
	1,000 00
	2,500 00
- <i>'</i>	2,000 00
	1,800 00
	1,700 00
	1,500 00
Matron, not exceeding	900 00
Guards (25), not exceeding 35	3,000 00

It is provided, however, that out of this appropriation of thirty-three thousand dollars shall be paid the salaries of the interior and exterior guards at The Penitentiary, not to exceed twenty-five in number, each at a basic rate of compensation of not less than \$1,200 per annum, with such additional amounts as the Board of Directors of The Penitentiary may determine, within the limits of this appropriation, not exceeding \$1,500 per annum in any case; no guard, however, shall be paid when absent on furlough for more than fifteen days in any one year, whether sick or otherwise; and provided further that substitute guards shall re-

ceive pay for the time actually employed at	Ċ
the basic rate of compensation, not exceeding	•
\$1,200 per annum.	

Surgeon, not exceeding\$	3,000	00
Dentist, not exceeding	1,200	00
Mental examiner, not exceeding	1,200	00
Hospital interne, not exceeding	600	00
Full time educational director, not		
exceeding	2,400	00

It is provided that out of this appropriation of one hundred and ninety thousand and eighty-five dollars there is hereby appropriated:

For per diem allowance for prisoners		
in accordance with the provisions		
of the act approved March 16,		
1918 (Acts of Assembly, 1918,		
chap. 301, pp. 474-476)\$	45,000	00
For transportation of prisoners	10,000	00
For laundry machinery	2,500	00
For general repairs to buildings and		
grounds	7,600	00
For additional equipment for print-		
ing shop	500	00

It is further provided that out of the earnings of the industrial department of The Penitentiary, but not out of the State treasury, the following salaries shall be paid:

Industrial director, not exceeding\$	3,000	00
Bookkeeper, not exceeding	1,800	00
Instructor-foreman for wood-working		
shop, not exceeding	2,280	00
Instructor-foreman for printing shop,		
not exceeding	2,400	00
Assistant instructor for printing shop,		
not exceeding	1,500	00
Instructor-foreman for clothing shop,		
not exceeding	1,500	00

## Virginia Home and Industrial School for Cirls at Bon Air

For maintenance and	operation of the Virginia	Home and
Industrial School	for Girls at Bon Air	\$ 42.820 00

It is provided that out of this appropriation of forty-two thousand eight hundred and twenty dollars the following salaries shall be paid:

Superintendent, not exceeding.....\$ 2,400 00

Assistant superint	endent and recrea-	
tional director	r, not exceeding\$ 1,200 00	
Nurse and matron	, not exceeding 1,200 00	
	eding 1,200 00	
Cottage matrons	(2), not exceeding	
\$900 each		
•	exceeding 900 00	
Bookkeeper, not e	xceeding 900 00	
Physician, not exc	ceeding 600 00	
of forty-two thousand lars there is hereby ap For maintenance o The Board of Dire	ded that out of this appropriation eight hundred and twenty dol- opropriated: If public free school.\$ 2,060 00 ectors of the Virginia Home and Girls at Bon Air are hereby au-	
years of age, convicted	te females from twelve to thirty l of misdemeanors, and commit- the judges and justices of the ginia.	
Virginia Indu	strial School for Boys at School	
<del>-</del>	ation of the Virginia Industrial	4141
•	1001\$ 74,870	1)()
It is provided th seventy-four thousand	at out of this appropriation of eight hundred and seventy dol-	1)()
It is provided th seventy-four thousand lars the following sala	at out of this appropriation of eight hundred and seventy dol- ries shall be paid:	190
It is provided th seventy-four thousand lars the following sala Superintendent .	at out of this appropriation of eight hundred and seventy dolries shall be paid:\$ 2,000 00	130)
It is provided th seventy-four thousand lars the following sala Superintendent . Assistant superint	at out of this appropriation of eight hundred and seventy dolries shall be paid:\$ 2,000 00 tendent, not exceed-	1907
It is provided th seventy-four thousand lars the following sala Superintendent . Assistant superint ing	at out of this appropriation of eight hundred and seventy dolries shall be paid:\$ 2,000 00 tendent, not exceed	()()
It is provided th seventy-four thousand lars the following sala Superintendent . Assistant superint ing Steward and store	at out of this appropriation of eight hundred and seventy dolries shall be paid: \$ 2,000 00 tendent, not exceed	()()
It is provided the seventy-four thousand lars the following salated Superintendent .  Assistant superintendent ing	at out of this appropriation of eight hundred and seventy dolries shall be paid:\$ 2,000 00 tendent, not exceed	()()
It is provided the seventy-four thousand lars the following salated Superintendent .  Assistant superintendent ing Steward and store ing	at out of this appropriation of eight hundred and seventy dolries shall be paid:\$ 2,000 00 tendent, not exceed	()()
It is provided th seventy-four thousand lars the following sala Superintendent . Assistant superint ing Steward and stor- ing Clerk, not exceed Farmer, not exceed	at out of this appropriation of eight hundred and seventy dol- ries shall be paid:\$ 2,000 00 tendent, not exceed	<b>(</b> )()
It is provided the seventy-four thousand lars the following salated Superintendent.  Assistant superintendent ing	at out of this appropriation of eight hundred and seventy dol- ries shall be paid:\$ 2,000 00 tendent, not exceed	<b>(</b> )()
It is provided the seventy-four thousand lars the following salated Superintendent.  Assistant superintendent ing	at out of this appropriation of eight hundred and seventy dol- ries shall be paid:\$ 2,000 00 tendent, not exceed	· vo
It is provided the seventy-four thousand lars the following salated Superintendent.  Assistant superintendent ing	at out of this appropriation of eight hundred and seventy dol- ries shall be paid:\$ 2,000 00 tendent, not exceed	100
It is provided the seventy-four thousand lars the following salated Superintendent.  Assistant superintendent ing	at out of this appropriation of eight hundred and seventy dolries shall be paid:	100
It is provided the seventy-four thousand lars the following salated Superintendent.  Assistant superintendent ing	at out of this appropriation of eight hundred and seventy dol- ries shall be paid:	100
It is provided the seventy-four thousand lars the following salated Superintendent.  Assistant superinting ing  Steward and store ing  Clerk, not exceed Farmer, not exceed Farmer, not exceed it is further provisof seventy-four thoused dollars there is hereby For additional equivalent for maintenance of the following for transportation cordance with Code of Virging For fencing farm.  Virginia Industri  For maintenance and oper	at out of this appropriation of eight hundred and seventy dolries shall be paid:	



1	[t i	is	provide	ed t	hat	ou	t of	thi	s appr	opria	tion	of
twent	y-1	sev	en thou	ısaı	ıd tı	wo	hund	lred	dollars	the	follo	w-
ing sa	ılaı	ries	s shall l	be p	aid:	:						

Superintendent, not exceeding\$	1,500	00
Assistant superintendent, not exceed-		•
ing	900	00

It is further provided that out of this appropriation of twenty-seven thousand two hundred dollars there is hereby appropriated:

For	additional equipment\$	2,250	00
For	erection of new cottage	2.500	00

## Virginia Manual Labor School for Colored Boys at Hanover

For	maintenance	and	operation	of	the	Virginia	Manual		
	Labor School	for (	colored Boy	s at	t Har	over	\$	56,385	00

It is provided that out of this appropriation of fifty-six thousand three hundred and eighty-five dollars the following salaries shall be paid:

Superintendent, not exceeding\$	1,500	00
Industrial director, not exceeding	900	00
Disciplinarian, not exceeding	900	00
Farmer, not exceeding	720	00
Physician, not exceeding	600	00

It is further provided that out of this appropriation of fifty-six thousand three hundred and eightyfive dollars there is hereby appropriated:

For additional equipment\$	3,050	00
For maintenance of public free school.	1,620	00
For operating deficit	6,500	00
For installation of heating system for		
dormitory	1,000	00
For repairs and improvements to build-		
ings and grounds	300	00
For additional dormitory facilities	3 500	00

#### **PUBLIC WORKS**

#### State Convict Road Force

For maintenance and operation of the State Convict Road Force, in accordance with chap. 87 of the Code of Virginia (1919) .....\$ 342,350 00

It is provided that this appropriation of three hundred and forty-two thousand three hundred and fifty dollars hereby made to the State Convict Road Force shall be inclusive of all funds to be used by the State Convict Road Force which are directly payable out of the general fund of the State treasury, including the expenses heretofore paid out of the appropriations out of the general fund of the State treasury for "criminal charges"; and it is further provided that the expenditures out of this appropriation of three hundred and forty-two thousand three hundred and fifty dollars shall be made in accordance with the provisions of sec. 2081 of the Code of Virginia (1919).

It is further provided that out of this appropriation of three hundred and forty-two thousand three hundred and fifty dollars the following salaries, wages and special compensations shall be paid:

Superintendent (Superintendent of	•	
The Penitentiary)\$	1,000	00
Assistant superintendent, not exceed-		
ing	2,500	00
Chief clerk and bookkeeper, not ex-		
ceeding	2,400	00
Stenographer, not exceeding	1,800	00
Clerk, not exceeding	1,500	00
Sergeants, not exceeding \$1,500 each.	40,500	00
Guards, not exceeding \$720 each	86,400	00
It also is further provided that out of	this app	ro-
priation of three hundred and forty-two thou	isand th	ree
hundred and fifty dollars there is hereby ap	propriat	ed:
For medical care and supervision of		
convicts in the several State Con-		
vict Road Force camps\$	10,000	00
_		

#### State Highway Commission

For the State Highway Commission for supervising the State highway system in accordance with the provisions of the act approved September 5, 1919 (Acts of Assembly, 1919, Extra Session, chap. 31, pp. 53-59)...........\$

10,600 00

Out of this appropriation of ten thousand six hundred dollars shall be paid the following salaries and special compensations only:



## State Highway Department

For expenses of administration and engineering......\$ 285,440 00

Out of this appropriation of two hundred and eighty-five thousand four hundred and forty dollars shall be paid the following salaries only:

State Highway Commissioner, assistants, clerks and employes..\$190,740 00

The State Highway Commission is hereby authorized to pay out of State highway and maintenance funds such additional amounts not to exceed one hundred thousand dollars for administration and engineering expenses of the department as may be approved by the Governor.

700,000 00

For construction and reconstruction of State highways and to meet Federal aid, to be paid from the proceeds of special taxes, segregated by law, for the construction and reconstruction of State highways, as estimated by the Auditor of Public Accounts; provided, however, that no part of this appropriation shall be paid out of the general fund of the State treasury.....\$2,500,000 00

For maintenance of State highways to be paid from the proceeds of special taxes, segregated by law, to the maintenance of State highways, as estimated by the Auditor of Public Accounts; provided, however, that no part of this appropriation shall be paid out of the general fund of the State treasury.....\$1,500,000 00

Out of the amounts above appropriated for the construction and for the maintenance of State highways the State Highway Commission may pay the valid awards made by the Industrial Commission of Virginia in favor of the employes engaged in such work and dependents of killed employes so engaged, as provided under the provisions of the workmen's compensation act.

Total for the State Highway Department (out of the general fund of the State treasury).....\$1,190,000 00

#### CONSERVATION AND CUSTODIANSHIP

#### Commission of Fisheries

For expenses of administration\$	19,100	00
Out of this appropriation of nineteen thousand one hundred dollars shall be paid the following salaries and special compensations only:		
Commissioner of Fisheries\$ 2,500 00 Shellfish Commissioner		
\$200 each per annum 600 00		
Engineer and surveyor, not exceeding. 2,500 00		
Assistant engineer and surveyor, not		
exceeding		
, , , , , , , , , , , , , , , , , , , ,		
Stenographer, not exceeding 1,200 00  Clerk to the Commission of Fish-		
eries, not exceeding 200 00		
For protection of oyster beds and fish	57.070	00
It is provided that out of this appropriation of fifty-seven thousand and seventy dollars there is hereby appropriated:		
For salaries, wages and special compensations, not exceeding\$ 21,920 00		
For the purchase and equipment of		
additional boats 10,000 00		
For improvement of oyster beds	5,000	00
Total for the Commission of Fisheries\$	81,170	00

It is provided that out of the total appropriation of eighty-one thousand one hundred and seventy dollars, hereby made to the Commission of Fisheries, there shall be set aside a sum sufficient to meet the expenditures provided for by sec. 3271 of the Code of Virginia (1919).

It is further provided that all revenues collected by the Commission of Fisheries, all other laws or parts of laws to the contrary notwithstanding, shall be placed in the general fund of the State treasury; and it is provided further that the total appropriations of eighty-one thousand one hundred and seventy dollars, hereby made to the Commission of Fisheries, shall be paid out of the general fund of the State treasury.

# Registrar of the Land Office

(Ex-Officio Superintendent of Grounds and Public Buildings	and
Superintendent of Weights and Measures)	

Superintendent of weights and Measures)		
For providing ice, fuel, light and water for the Capitol and Library buildings, Governor's House and power plant\$	16,000 (	00
For issuing and recording instruments of title to public lands in accordance with law	4,530 (	00
Out of this appropriation of four thousand five hundred and thirty dollars shall be paid the following salaries only:		
Registrar of the Land Office\$ 3,000 00           Clerk, not exceeding		
For maintenance and operation of the Capitol grounds and public buildings	42,380	00
Out of this appropriation of forty-two thousand three hundred and eighty dollars shall be paid the fol- lowing salaries and special compensations only:		
Elevator conductor and watchmen at Library Building (2), not exceed- ing \$1,260 each		
Night watchman at Library Building, not exceeding	•	
Attendant and watchman for Supreme Court of Appeals, not exceeding. 1,200 00		
Janitors at Library Building (2), not exceeding \$1,000 each 2,000 00		
Engineer and electrician, not exceeding		
Assistant engineers at power plant (2), not exceeding \$1,500 each 3,000 00		
Firemen at power plant (3), not exceeding \$1,200 each 3,600 00  Capitol policemen (5), not exceed-		
ing \$1,320 each 6,600 00  Capitol policeman who shall have		
charge of convicts in Capitol grounds, not exceeding 1,440 00		
Janitors at Capitol Building (3), not exceeding \$1,000 each 3,000 00		
Elevator conductor and watchman at Capitol Building, not exceeding 1,260 00		

Substitutes for elevator conductors at the Capitol and Library build- ings, and engineers and firemen at the power plant, while on leave of absence with pay, not exceed- ing\$ 600 00  For care of trees in Capitol grounds, not exceeding 50 00  It is further provided that out of this appropriation of forty-two thousand three hundred and eighty dollars there is hereby appropriated:  For extension of electric lighting sys- tem in Capitol grounds\$ 2,500 00	there is a second of the secon
Total for the Registrar of the Land Office\$	62,910 00
State Geological Commission  For development of the mineral and forestry resources of the Commonwealth	700 00
Out of this appropriation of seven hundred dollars shall be paid the following salary only:  Secretary of the State Geological Commission, not exceeding\$ 300 00	orc.
State Forester	
For protection and development of the forest resources of the Commonwealth in accordance with the provisions of chap. 28 of the Code of Virginia (1919)\$	18,000 00
Out of this appropriation of eighteen thousand dollars shall be paid the following salaries, wages and special compensations only:  State Forester\$ 3,000 00 Assistant State Forester, not exceeding	
It is further provided that out of this appropriation of eighteen thousand dollars there is hereby appropriated:	
For additional equipment\$ 525 00	

## State Geological Survey

For geological surveying in accordance with secs. 828-833, inclusive, of the Code of Virginia (1919)\$	18,465	00
Out of this appropriation of eighteen thousand four hundred and sixty-five dollars shall be paid the following salaries, wages and special compensations only:		
State Geologist, not exceeding\$ 2,000 00 Assistant State Geologist, not exceed-		
ing 1,800 00		
Clerk, not exceeding 1,500 00		
Additional employes, not exceeding 2,180 00		
It is further provided that out of this appropriation		
of eighteen thousand four hundred and sixty-five dollars there is hereby appropriated:		
For topographic mapping in co-opera- tion with the United States		
Geological Survey\$ 5,000 00		

## **EXAMINING AND LICENSING**

## State Board of Pharmacy

For regulating the practice of pharmacy in accordance with	
the provisions of chap. 70 of the Code of Virginia	
(1919)\$	6,110 00
Out of this appropriation of six thousand one	
hundred and ten dollars shall be paid the following	
salaries and special compensations only:	
Secretary-Treasurer\$ 2,500 00	
Stenographer, not exceeding 720 00	
Members of the State Board of Phar-	
macy, per diem, in accordance	
with provisions of sec. 1670 of	
the Code of Virginia (1919),	
not exceeding 500 00	
Additional employes, not exceeding 85 00	

## **MISCELLANEOUS**

Board of Commissioners for the Promotion of Uniformity of . Legislation in the United States

For promoting uniform State laws, not exceeding......\$ 400 00

	_	
Confederate Memorial Associations		
For caring for the graves of Confederate dead in accordance with the provisions of the act approved March 16, 1920 (Acts of Assembly, 1920, chap. 209, pp. 301-302), a sum sufficient	2,675	00
Confederate Museum at Richmond		
For the care of Confederate collections, and the maintenance of the Virginia rooms at the Confederate Museum at Richmond	1,500	υo
Co-Operative Education Association of Virginia		
For promoting rural school and civic improvement in the		
Commonwealth of Virginia	3,500	00
Home for Needy Confederate Women at Richmond		
For care of needy Confederate women in accordance with the provisions of the act approved March 4, 1914 (Acts of Assembly, 1914, chap. 40, p. 60)\$	12,000	00
Richmond Eye, Ear and Throat Infirmary at Richmo	ond	
For the free care and treatment of indigent Virginia patients suffering from serious diseases of the eye, ear and throat\$	2,000	00
Travelers' Aid Society of Danville		
For the Travelers' Aid Society of Danville, for providing aid for travelers	500	00
Travelers' Aid Society of Lynchburg		
For the Travelers' Aid Society of Lynchburg, for providing aid for travelers\$	500	00
Travelers' Aid Society of Newport News		
For the Travelers' Aid Society of Newport News, for provid-	500	00

ing aid for travelers .....\$

Travelers' Aid Society of Norfolk	•
For the Travelers' Aid Society of Norfolk, for providing aid for travelers\$	1,500 00
Travelers' Aid Society of Petersburg	
For the Travelers' Aid Society of Petersburg, for providing aid for travelers\$	1,000 00
Travelers' Aid Society of Portsmouth	
For the Travelers' Aid Society of Portsmouth, for providing aid for travelers\$	500 00
Travelers' Aid Society of Roanoke	
For the Travelers' Aid Society of Roanoke, for providing aid for travelers\$	1,000 00
Travelers' Aid Society of Staunton	
For the Travelers' Aid Society of Staunton, for providing aid for travelers\$	500 00
Travelers' Aid Society of Virginia at Richmond	
For the Travelers' Aid Society of Virginia at Richmond, for providing aid for travelers\$	1,500 00
Virginia Crop Improvement Association	
For the Virginia Crop Improvement Association for the improvement of Virginia crops	5,000 00
Virginia Home for Incurables at Richmond	
For the Virginia Home for Incurables at Richmond for care of incurables\$	5,000 00
Virginia State Dairymen's Association	
For the Virginia State Dairymen's Association for promoting dairy development and furthering the interests of dairying in Virginia	500 00

It is provided, however, that this appropriation of five hundred dollars shall be inclusive of all funds received by the Virginia State Dairymen's Association from the Commonwealth of Virginia, and in lieu of any and all contributions from the respective State departments, institutions or other State agencies.

#### Virginia State Fair Association

5,000 00

It is provided, however, that the Governor of Virginia, and four others, to be appointed by him, two from the State Board of Agriculture and Immigration, and two from the board of directors of the Virginia State Fair Association, Inc., shall constitute a committee of five to determine the number, amount and character of premiums provided for in this appropriation of five thousand dollars. The said committee shall receive no compensation for their services.

It is provided further that the appropriation of five thousand dollars hereby made shall be subject to payment to the Virginia State Fair Association, Inc., upon order of the committee, herewith provided for, by warrant of its chairman.

## Virginia State Horticultural Society

For the Virginia State Horticultural Society for promoting horticultural development and furthering the interests of horticulture in Virginia......\$

4,500 00

It is provided, however, that this appropriation of four thousand five hundred dollars shall be inclusive of all funds received by the Virginia State Horticultural Society from the Commonwealth of Virginia, and in lieu of any and all contributions from the respective State departments, institutions or other State agencies.

Total appropriations out of the general fund of the State treasury for the year ending February 29, 1924 ......\$11,923,555 78

2. The appropriations provided for in this act for making loans to students at the several State institutions shall be expended, upon such terms, and according to such rules, as may be prescribed by the respective governing boards of the institutions for which the

appropriations are made, in making loans to needy and deserving students of talent and character from Virginia in said institutions for the purpose of aiding these to obtain an education at such institutions, who might not be able otherwise to do so. Such loans shall not exceed one hundred and fifty dollars in any one session to the same student; and they shall be made to said students upon such terms, as to time and security, as the authorities of the respective institutions shall determine in each case; provided, however, that the rate of interest charged said students on such loans shall be four per centum per annum.

The said State students' loan funds shall be preserved from depletion by the said institutions; and, together with the repayment and accretions thereto, shall be held and used for the purpose specified in this act and no other; and each of the said institutions shall annually, not later than July in each year thereafter, file in the office of the superintendent of public instruction a statement, in detail, showing for the year past the amounts received by said funds, or the loans made, to whom made, and upon what terms, the amount of the corpus of said fund, the amounts repaid to said funds, and from whom, and any other information deemed pertinent by the institution so reporting, or which may have been requested by the superintendent of public instruction.

The auditor of public accounts shall make no payment to any of the said institutions on account of the said students' loan funds unless and until the institution applying for such payment shall have furnished the said auditor of public accounts a certificate from the superintendent of public instruction that such institution has complied in all respects with the foregoing requirements of this act in relation thereto.

The State accountant shall annually audit and exhibit in his annual report the account of the said funds at each of the said institutions.

- 3. All public revenue received into the State treasury within the two appropriation years provided for in this act, with the exception of the revenues segregated by law to special purposes, and the balance of the appropriations made by previous acts of the general assembly unexpended at the close of business on the twenty-eighth day of February, nineteen hundred and twenty-two, which unexpended balances are hereby declared to be lapsed into the State treasury, are hereby designated the general fund of the State treasury of the Commonwealth of Virginia, and shall be used for the payment of the appropriations provided for in this act, subject to the limitations and upon the conditions set out in this act.
- 4. The appropriations for the maintenance and operation of public institutions and the hospitals for the insane shall be paid in monthly installments, but the auditor of public accounts is hereby authorized and required to pay the special or extraordinary items provided for in the appropriations, other than for "support" to the institutions and hospitals for the insane in monthly installments, or otherwise, as, in his judgment, the condition of the State treasury will permit.



5. No State department, institution or other agency receiving appropriations under the provisions of this act shall exceed the amount of its appropriations, except in an emergency, and then only with the consent and approval of the governor in writing, first obtained; and if any such State department, institution or other agency shall exceed the amount of its appropriation without such consent and approval of the governor, there shall be no reimbursement of said excess, nor shall there be any liability or obligation upon the State to make any appropriation hereafter to meet such deficit, and the members of any governing board of any State department, institution or other agency, or, if there be no governing board, the head of any State department, institution or other agency, making any such excessive expenditures—in the case of members of governing boards, who shall have voted therefor—shall, in the discretion of the governor, be deemed guilty of neglect of official duty, and be subject to removal therefor.

It shall not be lawful for the auditor of public accounts to pay any State department, institution or other agency, including the State hospitals for the insane and the State colony for epileptics and the feeble-minded at Colony, any money except as is provided for in this act, or in pursuance of some act of the general assembly making spe-

cial appropriation therefor.

- 6. The proper officer of each State department, institution or other agency, for which appropriations are made, shall, in his annual report, give an itemized account of the expenditures out of such appropriations for such State department, institution or other agency, classified and itemized in accordance with the budget classifications adopted by the governor; and every such officer of this State for whose department, institution or agency appropriations are hereby made, shall make annually a report of all other sums received by such department, institution, officer, or other agency from any source, and such reports and accounts shall embrace the expenditure of all funds appropriated, including the interest on bonds held by such State departments, institutions, officers, or other agencies, and hereinbefore directed to be paid to them, which reports shall be forwarded to the general assembly and laid before both houses at each session thereof.
- 7. None of the monies mentioned in this act shall be expended for any other purposes than those for which they are specifically appropriated, and it shall be the duty of the governor, as chief budget officer of the State, or his deputy, to see that this provision is strictly observed; and, should he find that the said monies are not being expended in accordance with the provisions of this act, he is hereby given the power to restrain the auditor of public accounts from making further disbursements, in whole or in part, out of said appropriations, to the offending State department, institution, officer or other agency receiving appropriations under the provisions of this act; provided, however, that the several appropriations made by this act out of the general fund of the State treasury may not only be used for the pur-



poses specified in this act, but authority is hereby given to the governing board of any State department, institution or other agency, or, if there be no governing board, to the head of such department, institution or other agency named in this act, to transfer, within the respective department, institution or other agency, any such appropriations from the object for which specifically appropriated or set aside to some other object deemed more necessary in view of later developments, subject, however, in every case, to the consent and approval of the governor, in writing, first obtained; and provided that the total amount appropriated to the respective department, institution or other agency shall in no case be exceeded; and, further provided, that should appropriations be withheld by the governor from any State department, institution, officer, or other agency, named in this act, as herein provided, or should transfers be authorized by the governor, as herein provided, he shall set forth fully, in each case, the reasons for withholding said appropriations or for authorizing the transfer of said appropriations, as the case may be, in the next budget submitted to the general assembly in accordance with law.

All the appropriations herein made for the two years ending respectively on February twenty-eighth, nineteen hundred and twentythree, and on February twenty-ninth, nineteen hundred and twentyfour, unexpended at the close of business on February twentyninth, nineteen hundred and twenty-four, shall revert to and become a part of the general fund of the State treasury of the Commonwealth of Virginia, and shall not thereafter be paid by the auditor of public accounts; and the same shall be charged off upon the books of his office; and it is hereby further provided that two hundred and fifty thousand dollars of the monies standing to the credit of the memorial library fund on March first, nineteen hundred and twenty-two, derived from the appropriations of one hundred and twenty-five thousand dollars a year, under the provisions of the act approved March twenty-fifth, nineteen hundred and twenty (Acts of Assembly, 1920, chap. 510, pp. 843-6), be and the same, all except a sum (not exceeding \$4,000.00) sufficient to pay the bills outstanding against said fund, after they shall have been audited and approved by the auditor of the State, are hereby covered back into the general fund of the State treasury, and applied to the appropriation for Confederate pensions herein provided.

9. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

10. This act shall be in force from its passage.

CHAP. 165.—An ACT to amend and re-enact section 3257 of the Code of Virginia and to repeal section 3163 of the Code of Virginia. [H B 270]

#### Approved March 11, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-two hundred and fifty-seven of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 3257. Baylor survey; surveying and resurveying planting grounds and marking lines.—The survey or surveys of the natural oyster beds, rocks and shoals of the Commonwealth, made in pursuance of an act of the general assembly of Virginia, entitled an act to protect the oyster industry of the Commonwealth, which act was approved on the twenty-ninth day of February, eighteen hundred and ninety-two, and acts amendatory thereof, or supplemental thereto, shall, until otherwise provided by law, continue to be held in all respects to be the survey or surveys defining and determining the natural oyster beds, rocks and shoals of the Commonwealth; and surveys and reports filed in accordance with the acts aforesaid shall be construed in all the courts of the Commonwealth to be conclusive evidence of the boundaries and limits of all the natural oyster beds, rocks and shoals lying within the waters of the counties wherein such surveys and reports are so filed, and further, that there are no natural oyster beds, rocks or shoals lying within the waters of the counties wherein such reports and surveys are filed other than those embraced in the surveys authorized by the acts aforesaid.

The commission of fisheries is hereby authorized and empowered to select and appoint, on such terms as may be agreed upon, any surveyor, or surveyors, to survey, or re-survey, any oyster planting grounds, either in his own or any other county, and to re-establish and permanently mark any line or lines of the said Baylor survey, of natural oyster rocks, which, in the judgment of the commission of fisheries, it may be necessary to define; or an application may be made to the commission of fisheries by ten citizens of the county to have any line or lines of the Baylor survey re-established and permanently marked, provided a bond and security be given to the commission of fisheries that the applicants will pay all costs for surveying and marking; and, provided further, that ten days' notice of such survey shall be given to all parties whose legal oyster tenures might be directly affected thereby; and if it should turn out that it was not necessary, in the opinion of the commission, to have said line or lines re-established, then all costs of the survey and marking shall be borne by the applicants; but if it shall appear that the Baylor survey had been encroached upon, then the cost shall be borne by the commission of fisheries and the bond given be void.

2. Section thirty-one hundred and sixty-three of the Code of

Virginia is hereby repealed.

3. An emergency existing, this act shall be in force from its passage.

CHAP. 166.—An ACT to provide for the commitment of vagrants or persons who are physically incapable of supporting themselves, and in destitute circumstances, to poorhouses or like institutions.

[H B 438]

### Approved March 11, 1922.

1. Be it enacted by the general assembly of Virginia, That any person who is a vagrant as defined by the laws of the State of

Virginia, or who is physically incapable of supporting himself or herself, and in destitute circumstances, may, in the discretion of the justice or court before whom the case may be tried, be committed to the county or city poorhouse, alms house, or like institution.

CHAP. 167.—An ACT to amend the charter of the town of Pennington Gap, Lee county, Virginia, by adding thereto seven new sections to be numbered 20 to 26, inclusive; to authorize, under certain conditions, the issuing of bonds for street, road, sewer, and water supply purposes; and to provide for the procurement, installation and maintenance of a water supply system. IH B 3861

### Approved March 11, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the charter of the town of Pennington Gap, Lee county, Virginia, be and the same is hereby, amended by adding thereto seven new sections to be numbered twenty to twenty-six, inclusive, which new sections shall read as follows:
- 20. That the mayor and council of said town be, and are hereby, authorized to issue and sell bonds of the said town in an amount not to exceed seventy-five thousand dollars, for the purpose of grading, curbing, constructing, repairing and maintaining the streets and roads of said town; for the purpose of laying off, constructing, placing, and maintaining sewers; for the purpose of constructing, placing, installing and maintaining a suitable and adequate water supply for said town; and for the further purpose of meeting such expenses in connection with the construction of said streets and sewers as may be determined and authorized by the mayor and council of said town.
- 21. The bonds authorized by this act shall be coupon, or registered, bonds, and shall be issued in such denominations as the mayor and the council may prescribe. They shall bear interest at a rate not to exceed six per centum per annum, payable annually, and shall mature at a time not to exceed thirty-five years from the date of issuance, and may be made to mature at any time less than thirty-five years, as may seem to the mayor and council of the town best and expedient. They shall be signed by the mayor, countersigned by the clerk, for and in behalf of said town, and shall have the seal of the town attached.
- 22. But the said mayor and council shall not proceed to issue and sell the said bonds until it shall, by ordinance, authorize, call, and hold an election of the qualified voters of said town, which said election shall only be ordered by the circuit court of Lee county, Virginia, or the judge thereof, as the case may be, in vacation, in the manner as is now prescribed by the general laws of this State for the holding of elections on bond issues in towns. The ordinance authorizing the election, and order of the circuit court, or the judge thereof in vacation, shall show the amount of bonds to be issued, the streets in which it is proposed to lay and place sewers, the streets which are proposed to be constructed, improved, graded, and repaired.

the streets along which it is proposed to construct, install, and place water lines and pipes; the time at which such bonds shall be made to mature, together with a form of the bond and coupons which is proposed to be issued. And the circuit court of Lee county, or the judge thereof in vacation, upon a receipt of a duly certified copy of said ordinance, shall order the election in the manner as is provided by the general laws of this State for such cases made and provided. But before the said court, or the judge thereof, shall order said election, it shall first be made to appear that, at the rate of taxation authorized for town purposes, the revenues of said town, together with the revenues reasonably expected to be derived from operation of its water system, there will be derived a sum sufficient to meet the expenses of town government and customary obligations, and in addition to pay the interest on said bonds so issued, and to provide a sinking fund therefor.

23. The treasurer of said town, or such other person who may be employed by said town for that purpose, shall keep a book record of the bonds issued under this authority, and whether the bonds were issued for sewers, for streets, or for water. The bonds shall be respectively listed in said book according to numbers, denominations, when due and payable; and the bonds, and the coupons thereof, when they shall have been paid shall be so entered in said book in the proper manner, and shall be cancelled and filed with

the other records of said town.

And the mayor and the council of the said town, for the procurement of a proper water system, and to insure its proper installation, and insurance against present or future disturbance, and to insure its permanence, may authorize any work to be done which shall to said mayor and council reasonably appear necessary and expedient, the cost of which may be charged to the cost of installing said water system. And futhermore said mayor and council, by proper ordinance, may contract with any person, partnership or corporation to any extent which may be necessary to procure an adequate water system; may subscribe to the capital stock of any corporation to which it shall sell a franchise permitting the installation of an adequate water system for said town, and for that purpose may subscribe in any amount and issue and sell its bonds in the manner set forth in sections twenty-one and twenty-two and twenty-three hereunder; may contract with such corporation to prepare its streets in such a manner that, in case such corporation shall install a water system, it will not be necessary for said town afterwards to dig up or disturb the water mains of said corporation for the repair of said town's streets, and said town for this purpose may issue its bonds and charge the same to those issued for procuring a water system. In case said town shall subscribe to the capital stock of any corporation, as aforesaid, that proportion of the earnings to which said town shall be entitled as a shareholder in said corporation, shall be set apart by the council and mayor of said town as a sinking and interest fund on the bonds issued for the procurement of water, and



shall never be used for any other purpose until the bonds issued for securing water, with all coupons thereof, shall have been redeemed Thereafterwards, said earnings so derived, shall be set and paid. apart for the purpose of acquiring, in toto, the ownership of the water system; and after that shall have been done the earnings shall be set apart for the improvement and construction of streets, sewers, public buildings, the laying out and purchasing of public playgrounds

and parks.

And the council and mayor of said town, in addition to the above authority, shall also have the authority, for the purpose of procuring an adequate water supply and system, to sell, lease, transfer and let any of its property, easements, right-of-ways and any other property in which it shall have an interest, all or any of which, if the same shall be sold, leased, transferred or let, shall be embraced in the franchise which it may let and sell for the installation of a water system by the public service or private corporation which shall undertake the installation of said water system.

26. An emergency existing, this act shall be in force from its passage.

CHAP. 168.—An ACT to amend and re-enact section 2872 of the Code of Vir-Approved March 11, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-eight hundred and seventy-two of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 2872. When court may adopt jail of another county or city.—When a county or city is without a sufficient jail, or its jail is to be removed, rebuilt, or repaired, the court thereof may adopt as its jail the jail of another county or city, until it can obtain a sufficient jail. All persons committed or to be committed to the jail of the first mentioned county or city, at or after such adoption, and before a sufficient jail be so obtained, shall be conveyed to the jail so adopted. In any case should it become necessary or expedient for the safekeeping of any prisoner, or for other good cause, a court or the judge thereof in vacation, may commit such prisoner to a jail other than that located in his county or city; and the sheriff or sergeant in making his account for the board of such prisoner or prisoners as provided in section thirty-five hundred and ten of the Code, as amended, shall include such prisoner or prisoners in such account, as if such prisoner or prisoners had actually been committed from his county or city, and the judge of the circuit, corporation or hustings court of the county or city in which such prisoner or prisoners were committed as aforesaid, shall certify such account to the auditor of public accounts for payment out of the treasury, as provided in section forty-nine hundred and sixty-one of the Code; provided, however, that the authorities of the county or city from which the prisoner is sent shall be responsible for any damage done by him to the jail of the county or city in which such prisoner may be confined.

CHAP. 169.—An ACT to amend and re-enact sections 41 and 43 of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and provide a special tax for pensions as authorized by section 189 of the Constitution, approved April 16, 1903, as heretofore amended.

[S B 301]

## Approved March 11, 1922.

1. Be it enacted by the general assembly of Virginia, That sections forty-one and forty-three of an act entitled an act to raise revenue for the support of the government and public free schools and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section one hundred and eighty nine of the Constitution, approved April sixteenth, nineteen hundred and three, as heretofore amended, be amended and re-enacted so as to read as follows:

Section 41 (as amended, acts nineteen hundred and eight, page three hundred and thirty-eight). Every domestic corporation other than a purely charitable institution, and every foreign corporation doing, or authorized to do, business in this State, whose maximum capital stock is fifteen thousand dollars, or under, and every such corporation organized on a mutual basis or without capital stock, shall pay into the treasury of the State on or before the first day of March, in each and every year an annual registration fee of five dollars: a corporation whose maximum capital stock is over fifteen thousand dollars, and does not exceed fifty thousand dollars, shall pay an annual registration fee of ten dollars; a corporation whose maximum capital stock is over fifty thousand and does not exceed one hundred thousand dollars, shall pay an annual registration fee of fifteen dollars; a corporation whose maximum capital stock is over one hundred thousand dollars, and does not exceed three hundred thousand dollars, shall pay an annual registration fee of twenty dollars; and a corporation whose maximum capital stock exceeds three hundred thousand dollars shall pay an annual registration fee of twenty-five dollars; said annual registration fee shall be irrespective of any specific license tax or other tax or fee imposed by law upon said corporation for the privilige of carrying on its business in this State, or upon its franchise, property or receipts. The State corporation commission shall ascertain from its records the amount of the authorized maximum capital stock of each of said corporations, as of the first day in January of each year, and shall assess against each such corporation the registration fee herein imposed, and a certified copy of the assessment, when made, shall be forwarded by the clerk of the State corporation commission, before the fifteenth day of February, to the auditor of public accounts, and to each such corporation. The State corporation commission may require every domestic and foreign corporation, in the month of January, in each year, and within such times as it may prescribe, to make to the commission, on forms prescribed by it, such report of the status, business, and condition of each such corporation as the commission may call for. The failure of any corporation for two successive years to pay its annual registration fee.

or to make such report, shall, when such failure shall lave continued for ninety days after the expiration of such two years, operate without further proceedings as a revocation and annulment of the charter of such corporation, if it be a domestic corporation or of its certificate of authority to do business in this State, if it be a foreign corporation, and the State corporation commission shall publish the fact of such revocation or annulment once a week for four consecutive weeks in a daily newspaper published in the city of Richmond, Virginia. The failure of any corporation to pay its annual registration fee for any single year shall, when such failure shall have continued for ninety days after the same has been assessed, subject such corporation to a fine of not less than double the amount of such assessment, to be imposed and judgment entered therefor by the State corporation commission.

Sestion 43. (As amended by an act approved February twentysixth, nineteen hundred and ten.) Every corporation, joint stock company, or association, organized or formed under, by or pursuant to law in this State, except railway, canal, light, heat and power companies, gas and water companies, insurance, banking and security companies, telephone companies, having an authorized maximum capital stock of five thousand dollars or less, cemetary, religious and charitable associations, shall, in addition to the charter fee, tax on property, and income or receipts, and license tax, and the registration fee prescribed by law, pay into the treasury of the State on or before the first day of March, of each and every year, an annual State franchise tax to be assessed by the State corporation commission. The amount of such franchise tax shall be as follows: Where the maximum capital stock is twenty-five thousand dollars and under, ten dollars; over twenty-five thousand dollars, and not in excess of fifty thousand dollars, twenty dollars; over fifty thousand dollars and not in excess of one hundred thousand dollars, forty dollars; over one hundred thousand dollars and not in excess of three hundred thousand dollars, sixty dollars; over three hundred thousand dollars and not in excess of five hundred thousand dollars, one hundred dollars; over five hundred thousand dollars and not in excess of one million dollars, two hundred dollars; and for all in excess of one million dollars an additional sum of ten dollars for each hundred thousand dollars or fraction thereof in excess of one million dollars. The State corporation commission shall ascertain the amount of the authorized maximum capital stock of each such corporation, company or association as of the first day of January in each year, and shall assess against each such corporation, company or association the State franchise tax herein imposed, and a certified copy of such assessment, when made, shall be forwarded by the clerk of the State corporation commission before the fifteenth day of February to the auditor of public accounts, and to the president or other proper officer of every such corporation, company or association. Any such corporation, company or association failing to pay said tax into the State treasury within the time prescribed shall incur a penalty thereon of five per centum and interest at the rate of six per centum per annum on the total amount of tax and penalty from the date when the same was due until paid, which shall be added to the amount of said tax and failure for two successive years to pay said tax, when such failure shall have continued for ninety days after the expiration of such two years, shall operate without further proceedings as a revocation and annulment of the charter of such corporation and the State corporation commission shall publish the fact of such revocation and annulment once a week for four consecutive weeks in a daily newspaper published in the city of Richmond, Virginia.

CHAP. 170.—An ACT to amend and re-enact section 5167 of the Code of Virginia.

[S B 303]

Approved March 11, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-one hundred and sixty-seven of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 5167. Duties and compensation of trustees, and duties of clerks upon recordation of trustees deeds.—The trustee in any such deed, except so far as may be therein otherwise provided, shall, whenever required by any creditor secured, or any surety indemnified by the deed, or the personal representative of any such creditor or surety, after the debt due to such creditor, or for which such surety may be liable, shall have become payable and default shall have been made in the payment thereof, or any part thereof, by the grantor, sell the property conveyed by the deed, or so much thereof as may be necessary, at public auction, for cash, having first given reasonable notice of the time and place of sale, and shall apply the proceeds of sale, first to the payment of expenses attending the execution of the trust, including a commission to the trustee of five per cent on the first three hundred dollars, and two per cent on the residue of the proceeds, and then, pro rata (or in the order of priority, if any prescribed by the deed), to the payment of the debts secured and the indemnity of the securities indemnified by the deed, and shall pay the surplus, if any, to the grantor, his heirs, personal representatative, or assigns. The clerk of the court upon admitting to record the deed of such trustee conveying property held in trust shall note a reference to same on the margin of the deed book where the deed or other writing conveying the property to such trustee in trust is recorded, if the same can be found in his office.

CHAP. 171.—An ACT to amend and re-enact sections 2881 and 2882 of the Code of Virginia, in relation to the incorporation of towns by the circuit courts of this State.

[H B 258]

Approved March 14, 1922.

1. Be it enacted by the general assembly of Virginia, That sections twenty-eight hundred and eighty-one and twenty-eight hundred and eighty-two of the Code of Virginia, be amended and reenacted so as to read as follows:

Sec. 2881. How any unincorporated town or thickly settled community may be incorporated.—Whenever a petition signed by twenty duly qualified voters of any unincorporated town, or thickly settled community, within this State, shall be presented to the circuit court of the county in which such town or community, or the greater part thereof, is situated, or to the judge thereof in vacation, setting forth the metes and bounds of said town or community, and praying that such community may be incorporated as a town, with satisfactory proof that such petition with notice attached of the time and place that said petition will be presented has been published in full in some newspaper published in said county, if any, once a week for four successive weeks and posted at the front door of the court house of said county for four weeks; if no newspaper be published in the county in which said town, or the greater part thereof, is located, then five copies of said petition and notice shall be posted within the limits of said town or community to be incorporated for four weeks, and a copy posted at the front door of the court house of said county; and the said court shall be satisfied that it will be to the interest of the inhabitants of said town; that the prayer of said petition is reasonable; that the general good of the community will be promoted; that the number of inhabitants of said town exceeds two hundred and does not exceed five thousand, and that the area of land designed to be embraced within the town is not excessive; such court, or the judge thereof in vacation shall by an order reciting the substance of said petition and the due publication thereof, and that it is to the best interests of the inhabitants of that locality, that the general good of the community will be promoted by the incorporation of said town and that the number of inhabitants exceeds two hundred and does not exceed five thousand, order and decree and enter upon its common law order book that such town be, and the same is hereby, incorporated as a town by the name and style of the "the town of \_\_\_\_\_ (naming it)," and designating in such order the metes and bounds thereof, and thenceforth the inhabitants within such bounds shall be a body, politic and corporate, with all the powers, privileges and duties conferred upon and appertaining to towns under the general

And upon a like petition authorized by a resolution of the town council supported by like evidence and after posting a copy of the resolution of the town council with a notice attached of the time and place when said petition will be presented at five or more public places in said town, the court, or the judge thereof in vacation, shall

by an order containing the recitals required by this section, change or restrict the boundaries of said town, or make such other amendments to the charter of said town as may be just and desirable and which are not contrary to any law of this State.

Sec. 2882. How first election ordered.—The order so incorporating said town shall order the first election of town officers and shall designate the time and place where the said election shall be held in said town and the electoral board of said county within such town, or the greater part thereof is situated, shall, not less than fifteen days before said election, appoint one registrar and three judges of election who shall also act as commissioners of election, and said officers of election shall conform to the requirements of section twenty-nine hundred and ninety-five, and the conduct of said election shall conform in all respects to the requirements of the general law regarding the holding of elections in towns so far as applicable. Said election shall be held and the vote counted, returned, canvassed, and certified as regular elections are held, returned, canvassed and certified, but officers elected at said election shall only hold office until the next regular election of town officers to be held as provided for by general law. And if for any cause no election shall be held on the day fixed in said order the court, or the judge thereof in vacation, may, by an order entered in its common law order book, fix another day for said election, which shall be held after like proceedings and notice as herein above required, and any election heretofore or hereafter held in conformity to the provisions of this section, though not held on the day named in the order of incorporation but held on a day named in a subsequent order of the court, or the judge thereof in vacation, shall be as vaild and shall have the same force and effect as if said election had been held on the day named in said order of incorpora-

2. An emergency is hereby declared to exist and this act shall be in force from its passage.

CHAP. 172.—An ACT to amend and re-enact an act entitled an act to provide how a charter of a town granted by a court may be annulled and repealed, approved March 4, 1920. [S B 245]

### Approved March 14, 1922.

Be it enacted by the general assembly of Virginia, That the act of the general assembly of Virginia approved March fourth, nineteen hundred and twenty, entitled an act to provide how a charter of a town granted by a court may be annulled and repealed be amended and re-enacted so as to read as follows:

1. That whenever a petition signed by one-fourth of the voters qualified to vote at the preceding November election residing within the limits of a town incorporated by a court shall be presented to the circuit court of the county in which such town, or the greater part

thereof, is situated, setting forth in general terms the boundaries of said town and praying that the charter thereof may be annulled and repealed, to which the board of supervisors of the county or counties in which said town is situated shall be made defendants, accompanied by satisfactory proof that said petition has been published once a week for four successive weeks in some newspaper published in said county or counties, if there be such paper, and a copy posted at the front door of the courthouse of said county or counties and at three public places in said town for a like period, the court shall order an election to be held in accordance with the provisions of section twentyeight hundred and eighty-two of the Code of Virginia, and on the tickets used in said election there shall be printed the words "For repeal of town charter" and "Against repeal of town charter" and each qualified voter voting in said election who wishes the charter to be repealed shall strike out the words "Against the repeal of town charter" and each one who desires that the charter be retained shall strike out the words "For repeal of town charter," and if a majority of such voters be against the repeal then the court ordering said election shall enter an order denying the prayer of the petition and declaring that the charter of said town shall continue in force; but if a majority of such votes be for the repeal, then said court shall enter an order declaring that said charter of said town shall be annulled and repealed as of some date to be fixed in said order, and the court shall further make such provision as may seem to be just for the disposition by sale or otherwise of the property if any, belonging to said town and for the payment of the debts and obligations, if any, of said town. And the officers of election are hereby required to certify the results of said election to the court at its next succeeding

2. Any petitioner or defendant or any duly qualified voter in said town who feels himself aggrieved by the order entered in pursuance of this act may, within stxty days from the date of said order, upon giving the bond required by section sixty-three hundred and thirty-eight of the Code of Virginia, the amount of which is to be fixed by said court, apply to the supreme court of appeals of Virginia for a writ of error and supersedeas in conformity to the general law.

3. An emergency is hereby declared to exist and this act shall be in force from its passage.

#### Approved March 14, 1922.

1. Be it enacted by the general assembly of Virginia, That section one hundred and thirty-four of an act entitled an act to raise

CHAP. 173.—An ACT to amend and re-enact section 134 of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section 189 of the Constitution, approved April 16, 1903, as heretofore amended.

[S B 336]

revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section one hundred and eightynine of the Constitution, approved April sixteenth, nineteen hundred and three, as heretofore amended, be amended and re-enacted so as to read as follows:

Section 134. Licenses to livery stable keepers.—Every person who shall keep a livery stable in the country, and in towns of less than two thousand inhabitants, shall pay the sum of seven dollars and fifty cents, and an additional sum of twenty-five cents for each additional stall in excess of twenty-five, and in towns of two thousand inhabitants and over, he shall pay twelve dollars and fifty cents. and an additional tax of twenty-five cents for each stall therein. And herein shall be included as stalls such space as may be necessary for a horse to stand and in which a horse may be kept. The license to keep a stable by the proprietor of public watering places and other places of summer resort, or any other person at such places, for six months or less, there shall be one-half of the sums hereinbefore specified. Every person, for the privilege of running a single hack, carriage, cab or other vehicle for carrying passengers for hire, shall pay five dollars except that a license of one dollar and twenty-five cents only shall be imposed on persons running such conveyances solely in the country or in towns of not more than one thousand inhabitants. Every person who shall keep a feed stable for boarding horses for compensation, shall pay for such privilege two dollars and fifty cents in the country and in a town of less than two thousand inhabitants, and in a town or city of two thousand or over two thousand inhabitants, five dollars. Every person for the privilege of running a conveyance of any kind for transfer of baggage, freight, furniture, or other articles of merchandise in cities and towns of two thousand inhabitants and over, shall pay for each one-horse conveyance the sum of one dollar and twenty-five cents, and for each conveyance of two horses or more, the sum of two dollars and fifty cents on each conveyance.

CHAP. 174.—An ACT to amend and re-enact section 6355 of the Code of Virginia.

[S B 345]

Approved March 14, 1922.

<sup>1.</sup> Be it enacted by the general assembly of Virginia, That section six thousand three hundred and fifty-five of the Code of Virginia be amended and re-enacted to read as follows:

Section 6355. Limitations of appeals, writs of error, or supersedeas.—No process shall issue on an appeal, writ of error, or supersedeas, allowed to or from a final judgment, decree or order, if when the record, with the petition required by section six thousand three hundred and thirty-nine, is delivered to the clerk of the appellate court there shall have elapsed six months since the date of such final

judgment, decree, or order, or three months if the decree appealed from was a decree refusing a bill of review to a final decree rendered

more than six months prior thereto.

No such process shall issue upon an appeal, writ of error, or supersedeas allowed to a final judgment, order, or finding of the State corporation commission, if when the record, with the petition required by law, is delivered to the clerk of the appellate court, there shall have elapsed six months since the date of such final judgment, order or finding.

The appeal, writ of error or supersedeas shall be dismissed whenever it appears that six months or three months, as the case may be, has elapsed since the date before the record, with the said petition, is delivered to such clerk, or before such bond is given as is required to be given before an appeal, writ of error, or supersedeas takes effect; provided, that the time which shall elapse from the presentation of the petition for an appeal, writ of error, or supersedeas, and the delivery of the record, with the petition required by law, to the clerk of the appellate court as aforesaid shall be excluded from the computation of the said period of six months or three months, as the case may be.

CHAP. 175.—An ACT to provide for the holding of an election in the school districts of Arlington county, Virginia, on the question of issuing bonds for the purpose of sites and erection and furnishing of school buildings in such districts; to provide for the issuing and sale of said bonds in accordance with the said election; and to provide for the levying of tax upon the taxable property in such school districts for the purpose of creating a sinking fund for the payment of the principal and interest on said bonds.

[H B 328]

## Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That whenever the school board of any school district of Arlington county shall, by resolution duly spread upon the minutes of the proceedings of such board, declare that an additional school house or school houses are necessary to provide additional public school facilities for the children of school age in such district, and the school funds of such district will not be sufficient to provide such additional school building or buildings, and to furnish the same, the school board of any such district may, when authorized by a vote of a majority of the qualified voters of any such district voting, as hereinafter provided, borrow money for the purpose of purchasing a site or sites and of erecting a school house or houses therein and for furnishing the same and may issue either registered or coupon bonds for the sums of money so borrowed; the said bonds to be payable at a period not exceeding thirty years after their date, and to be made redeemable at the option of any such school board at such time after their date as may be specified in the bonds, and such bonds shall bear interest at a rate not exceeding six per centum per annum, payable either annually or semi-annually, as the school board may prescribe; but no such bonds shall be sold for less than their par value, and at no time shall the aggregate amount of bonds issued and outstanding in any school district exceed seventeen per centum of the aggregate assessed value of the real estate located in such school district.

2. The said bonds shall be of such form and denomination as the school board of any such school district, by resolution spread upon the minutes of the board, may prescribe, and shall be signed by the chairman and attested by the secretary of the board, and they shall be a lien upon all the taxable property in such district for the payment of the principal thereof, and the interest to accrue thereon.

3. The proceeds realized from the sale of any such bonds issued under the provisions of this act shall not be used for any other purpose than that of purchasing sites and erecting such school buildings and furnishing the same as may be set forth in the petition for

the election.

4. No bonds shall be issued under the provisions of this act unless authorized by a vote of the majority of the qualified voters of the school districts proposing to issue the same, voting at a special

election to be ordered and held as hereinafter provided.

5. When the resolution of the school board shall be certified to the circuit court of the county, or the judge thereof in vacation, or upon a petition of one-fourth of the duly qualified voters of such school district requesting such bond issue, together with the location of the school house or houses to be erected, with the general plans, specifications, and estimated cost thereof, approved by the division school superintendent and the superintendent of public instruction, the said court, or judge thereof in vacation, shall order a special election to be held in any such district at such time and after such notice (which shall not be less than two weeks), as the court may prescribe by order entered upon its minutes, to pass upon the question whether such bonds shall be issued or not, for the amount recommended by the school board of such district, or requested in such petition. And the clerk of the court shall give the notice required by the court of such special election by publication in some newspaper of the county, and by having the same posted by the sheriff of the county in at least ten conspicuous points in any such school district, which said notice shall state the amount of bonds to be issued, the purpose of the proposed issue thereof, and the estimated cost of the school building or buildings. The clerk and sheriff of the county shall each receive for their services hereunder two dollars, to be paid out of the county treasury.

6. The electoral board shall prepare the tickets and shall provide all other necessary details for such special election, and the board of supervisors shall pay the expenses thereof out of the funds of the county, and any such election shall be conducted and held in like manner as regular elections, and the laws of the State applying to general elections shall apply to such special election, except as otherwise provided in this act, and the judges and clerks of the regular elections in said district shall be the judges and clerks in any special



election, and shall receive the same compensation; and the voting precincts in any such district for general elections shall also be the same for any special elections. At such election each qualified voter who shall approve such issue of bonds shall deposit a ticket or ballot on which shall be written the words, "For bond issue," and each qualified voter who shall oppose such issue of bonds shall deposit a ticket or ballot on which shall be written the words, "Against bond issue."

- 7. The judges and clerks of such special elections shall canvass the vote and certify the same to the county clerk in the same manner as required by law in general elections, and on the second day following such special elections, it shall be the duty of the county clerk, the Commonwealth's attorney, and the commissioner of revenue, who are hereby constituted a board of canvassers for that purpose, to meet in the clerk's office of said county and to canvass the returns of such special elections, and to certify the results ascertained by them to the judge of the circuit court of said county, who shall have the same spread upon the common law order book of his court, and to the school board of such district, who shall spread the same upon the minutes of said board, and when this shall have been done, if no notice of contest of said election shall have been filed within ten days after said election, the certificates of the canvassing board, hereby created, shall be conclusive of the legality and regularity of said special election and of the result thereof.
- 8. All registered voters of any such school district who were qualified by law to vote in the last preceding general election shall be qualified to vote in any such special election.

9. The said bonds shall have written or printed on them the fol-

lowing sentences:

"These bonds are issued for school improvements in \_\_\_\_\_school district, but the full faith and credit of the entire county of Arlington is hereby pledged for their payment, and a tax is to be levied upon the property in said district to pay the interest on them and to create a sinking fund sufficient in amount to pay them upon maturity." The board of supervisors shall annually levy a special tax not to exceed fifty cents on each one hundred dollars assessed valuation on all the taxable property in such district sufficient to pay the interest on the bonds so authorized and to create a sinking fund for the payment of the principal at maturity. Such sinking fund shall be invested in the bonds hereby authorized, or in such other securities as the said school board may, with the approval of the division superintendent of schools for said county, select. The said school board shall annually report to the board of supervisors of the county the amount and condition of the sinking fund.

10. No election under this act shall be held oftener than once

in one year.

11. In the event of the passage of an act or acts constituting the county the unit of operation for the public free school system, instead of the district, as is the case under the law now existing, the

powers conferred and the duties imposed by this act upon district school boards shall be exercised and performed by the county school board of Arlington county for and on behalf of the districts mentioned

CHAP. 176.—An ACT to authorize the board of supervisors of Tazewell county to issue bonds of Tazewell county to an amount not exceeding twenty thousand dollars (\$20,000.00), to pay off and discharge indebtedness incurred for work done and materials furnished in macadamizing, repairing and improving the roads and public bridges of Jeffersonville magisterial district of said county.

Approved March 15, 1922.

Whereas, the board of supervisors of Tazewell county, in macadamizing, repairing and improving the roads and bridges of Jeffersonville magisterial district of said county have incurred an indebt-

Whereas, the amount of such indebtedness so incurred heretofore by the said board of supervisors of said county, together with the bonds heretofore issued for permanent road improvement, do not exceed an amount in excess of ten per centum of the total taxable value at this time in Tazewell county, in which the roads have been built, macadamized, repaired and improved; therefore,

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Tazewell county be, and the same is hereby, authorized to issue additional bonds of said county, not exceeding twenty thousand dollars, for the purpose of paying off the excess indebtedness incurred by said board of supervisors as aforesaid.

The board of supervisors shall determine what amount of bonds, not exceeding the maximum aforesaid, shall be issued, shall enter of record the amount so determined; they shall have the power to appoint an agent or agents to negotiate a loan or loans, or to sell said bonds. It is provided that said bonds shall be paid for in lawful money, and shall not be sold at a price that will net the county less than their par value. When such a loan has been negotiated, or bonds sold, the board of supervisors shall issue said bonds, which may be either registered or with coupons attached, as said board of supervisors may prescribe; and shall have written or printed in said bonds the following sentences:

"These bonds are issued for Jeffersonville magisterial district, and a tax is to be levied upon the property of said district to pay the interest on them, and to create a sinking fund sufficient in amount

to pay them upon maturity."

Said bonds shall be signed by the chairman, and countersigned by the clerk thereof; shall be in denominations of one hundred dollars (\$100) or some multiple thereof; shall bear interest at a rate not exceeding six per centum, payable annually at the office of the treasurer of said county, and the principal of said bonds shall be payable in equal annual installments not exceeding five years from the date thereof at said office.

The board shall deliver them to the treasurer of its county, who

shall deliver said bonds upon the payment of the price thereof. The said treasurer and his sureties shall be liable for the amount received for said bonds as though it were a county levy, and said funds shall be expended for the purposes and in the magisterial district for which it was intended, and none other, as hereinbefore specified. The said treasurer shall receive as compensation for his services hereunder a commission of one-fourth of one per centum on the amount thus coming into his hands.

After issuing such bonds, when the next levy is made, or tax imposed in said county, a tax shall be levied on all property liable to road tax in such magisterial district in which the proceeds of the funds have been expended to pay the interest on the bonds so issued as said bonds respectively mature; and from year to year said levy or assessment shall be made until the debt and interest are paid; the amount levied for the payment of said bonds and interest shall be used for the payment thereof, and for no other purpose. Should for any reason the county in any way have to assume any payment on account of said bond issue, either interest or principal, it is hereby provided that the board of supervisors shall levy such a tax in said magisterial district as may be necessary to repay the amount assumed by the county.

Whereas, the indebtedness incurred as aforesaid is past due, therefore, this act shall be in force from its passage.

CHAP. 177.—An ACT to amend and re-enact section 2978 of the Code of Virginia.

[H B 439]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-nine hundred and seventy-eight of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 2978. Number of wards in city; how changed.—In each city of this Commonwealth there shall be as many wards as the city council may establish; but whenever, by the last United States census or other enumeration made by authority of law, it shall appear that the population in any ward exceeds that of any other ward by so much as three thousand inhabitants, or whenever in the opinion of the council it is necessary, or whenever the corporate limits of the city shall be extended or contracted, if necessary, it shall be the duty of the city council to redistrict the city into wards, or so change the boundaries of existing wards, or so increase or diminish the number of wards, as that no one ward shall exceed any other ward in population by more than three thousand inhabitants. But in no case shall the city council redistrict the city into wards or change the boundaries of existing wards, except in so far as it may be necessary to change such boundaries for the purpose of attaching newly annexed territory of such existing ward or wards as may be contiguous thereto, oftener than once every five years, except upon a recorded vote of three-fourths of the members elected to the council, or threefourths of the members elected to each branch thereof, when the council is composed of two branches; and in every such case the reason therefor shall be set forth in the ordinance providing for such redistricting; and provided, that whenever the city shall be so redistricted, the judge of the corporation or hustings court shall appoint three commissioners, whose duty it shall be to rearrange and revise the registration books of said city, so as to place each registered voter on the proper precinct and ward registration books, and shall also have authority at any time, upon the recommendation of the electoral board or city council of said city, if in his opinion he deems it necessary, to appoint two commissioners whose duty it shall be to revise, amend, rearrange and correct said registration books and any errors and mistakes shown or appearing therein, for which purposes the registrar shall, upon the order of the corporation court or judge thereof, deliver to such commissioners so appointed the registration books for the purposes aforesaid. The commissioners shall, in either case, receive such compensation as the judge of the corporation court may allow, to be paid by the city, together with all other expenses incurred thereby. But in cities having a general registrar such general registrar shall be appointed by the judge of the hustings or corporation court to so revise, amend, rearrange and correct said registration books. A mandamus shall lie on behalf of any citizen to compel the performance by the council of the duty so prescribed. In all cases in which cities have been redistricted into wards, or in which the boundary lines of existing wards have been changed, the ordinances of said councils in so doing, which were first adopted since the present Constitution took effect, are validated; and said wards as designated and established thereby. are hereby declared to be the existing wards of said cities, and the time within which the same may be again altered or changed, or said cities redistricted, shall be computed from the date of the adoption of said ordinances, respectively.

CHAP. 178.—An ACT to amend and re-enact section 4 of an act entitled an act to create for the county of Norfolk a commission of roads and bridges, and to prescribe the powers and duties of such commission, and thereby to provide for controlling, constructing and keeping in repair the public roads and bridges within said county, and for acquiring, establishing, altering and vacating roads and bridges therein; and to repeal an act entitled an act for working and keeping in repair the public roads in Norfolk county, approved February 18, 1890, as amended by acts approved February 26, 1908, and March 14, 1910, respectively, and also to repeal an act entitled an act for working and keeping in repair the public roads in Norfolk county, approved February 1, 1894, approved February 1, 1915, as amended by an act approved March 19, 1920. [H B 487]

# Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section four of an act entitled an act to create for the county of Norfolk a commission of roads and bridges, and to prescribe the powers and

duties of such commission, and thereby to provide for controlling, constructing and keeping in repair the public roads and bridges within said county, and for acquiring, establishing, altering and vacating roads and bridges therein; and to repeal an act entitled an act for working and keeping in repair the public roads in Norfolk county, approved February eighteen, eighteen hundred and ninety, as amended by acts approved February twenty-six, nineteen hundred and eight, and March fourteen, nineteen hundred and ten, respectively, and also to repeal an act entitled an act for working and keeping in repair the public roads in Norfolk county, approved February first, eighteen hundred and ninety-four, approved February first, nineteen hundred and fifteen, as amended by an act approved March nineteen, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 4. The said commission may appoint a county road engineer (who shall be a competent civil engineer), who shall devote his whole time to the duties prescribed by the commission, and who shall attend each meeting of the commission, and whose salary, to be fixed by it, shall be not more than four thousand dollars per annum. Said engineer shall personally own his means of road transportation, but for the upkeep and maintenance of such means of transportation over the roads of said county, he shall be allowed the sum of one thousand dollars per annum, and further, be allowed his expense for common carriers and hotels when on duties directly connected with the roads of the county; and it may appoint or employ, or authorize the appointment or employment of such additional engineers, overseers, agents, servants, laborers and other subordinates as may be necessary for the proper performance and execution of the duties imposed by this act. It shall also have authority to employ counsel when the same is rendered necessary to protect the public interest incident to its work under this act, and to employ an expert accountant to assist in opening its initial records and in ascertaining the amounts of the several funds properly disbursable by it under this act. The terms, duties and compensation of its respective appointees and employees shall be as prescribed by it, their compensation shall be a reasonable one, and any and all of them shall be removable at its pleasure for inefficiency or other good cause.

CHAP. 179.—An ACT to amend and re-enact an act entitled an act to authorize the school board of Templeton school district in Prince George county to borrow money, not to exceed \$18,000, for the purpose of paying off the present indebtedness of the district and for the erection of school buildings for white and colored at Disputanta, approved February 11, 1922. [H B 483]

Approved March 15, 1922.

<sup>1.</sup> Be it enacted by the general assembly of Virginia, That an act entitled an act to authorize the school board of Templeton school district in Prince George county to borrow money, not to exceed eighteen thousand dollars, for the purpose of paying off the present indebtedness of the district and for the erection of school buildings

for white and colored at Disputanta, approved February eleventh, nineteen hundred and twenty-two, be amended and re-enacted so as to read as follows:

Sec. 1. The school board of Templeton school district in Prince George county is hereby authorized and empowered to borrow money, not to exceed eighteen thousand dollars, the proceeds of such loan to be used for paying the present indebtedness of the said district, amounting to ten thousand dollars, and for the erection of school

buildings for white and colored pupils at Disputanta.

Sec. 2. The said loan shall be effected by issuing the bonds of the said school district, signed by the chairman and the clerk of the said board; they shall be in such denominations as the board may determine; they shall bear interest at the rate of six per centum per annum, interest coupons attached, payable semi-annually in Richmond or New York, and they shall mature in twenty years from their date. The said bonds and attached coupons shall be a lien on all the school property in said district.

Sec. 3. The said board shall have full power to negotiate and sell the said bonds through an agent or by such other methods as in its discretion may seem best; provided, however, that the said bonds shall not be negotiated or sold for less than their normal or par value.

- Sec. 4. After issuing the bonds, or any of them, provided for in this act, when the first levy is made by the board of supervisors a tax shall be levied on all property subject to local taxation in said district, to pay interest on the bonds so issued and to create a sinking fund as provided in the general school law to redeem the principal thereof at maturity; and from year to year such levies shall be made on such property in said district until such debt, together with the interest thereon, is paid, the said levy to be made upon the recommendation of the said school board and not to exceed the rate provided by law.
  - 2. An emergency existing, this act shall be in force from its passage.

CHAP. 180.—An ACT for the protection of ring-necked pheasants in Shenandoah county.

[H B 482]

Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to hunt, shoot or trap ring-necked pheasants in Shenandoah county at any time except between the fifteenth day of November and the twenty-fifth day of November in any year, and between the said dates it shall be unlawful for any person to capture, kill, injure or destroy more than five ring-necked pheasants.
- 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and punished by a fine of not less than five nor more than fifty dollars, or by confinement in jail not more than thirty days, or both such fine and imprisonment, in the discretion of the tribunal trying the case.



CHAP. 181.—An ACT to amend and re-enact section 77 of an act entitled an act to amend and re-enact the charter of the town of Martinsville, in the county of Henry, approved March 3, 1892, as heretofore amended, and to validate interest bearing obligations of said town heretofore issued. [H B 466]

## Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That section seventy-seven of an act entitled an act to amend and re-enact the charter of the town of Martinsville in the county of Henry, approved March third, eighteen hundred and ninety-two, as heretofore amended, be amended and re-enacted so as to read as follows:
- Sec. 77. The town council may, in the name and for the benefit of the town, contract loans, or cause to be issued certificates of debts, or bonds, for water, lights, or any other improvement in said town; provided, no such certificates of debts or bonds shall be issued by the council without first being authorized by three-fourths of the freehold voters of said town, and a majority of the registered voters, and approved by two-thirds of the whole council; said certificates of debt or bonds shall run for a period of thirty-four years, and shall bear no rate of interest in excess of six per centum per annum; provided, further, that said town may contract for loans, not in excess of fifty thousand dollars and not to run for more than five years, and to issue therefor its promissory notes, bonds, certificates of debt, or other negotiable obligations, bearing interest, not in excess of six per centum per annum, without first submitting the question of issuing said obligations to the voters of the town as hereinbefore provided as to long term bonds; and provided further, that at no time shall there be outstanding at any one time such short term obligations in excess of fifty thousand dollars. Any and all interest bearing obligations of said town heretofore issued conforming to the provisions of this act are hereby expressly validated. In no case shall the indebtedness of said town, including such short term obligations, exceed twenty per centum of the assessed value of real and personal property therein.
- 2. An emergency existing, this act shall be in force from its passage.

CHAP. 182.—An ACT to authorize the board of supervisors of Giles county to erect a toll gate on the public road leading from Rich Creek, in said county, to the West Virginia line at Peterstown.

[H B 373]

#### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Giles county be, and they are hereby authorized to erect and maintain a toll gate on the public road leading from Rich Creek, in said county, to the West Virginia line at Peterstown, and to establish and fix the rates of toll to be paid thereat, on the various kinds of live stock, vehicles, automobiles, teams, et cetera, passing through the same, and from the action of said board



of supervisors in establishing such toll gate and fixing such tolls, there shall be no appeal; it being expressly understood that the provisions hereof shall apply to the public road between said points as the same may hereafter be re-located and re-constructed under the provisions of an act of the general assembly of Virginia, approved February tenth, nineteen hundred and twenty, with reference to the construction, re-construction, improvement and maintenance of the public roads and bridges in Giles county.

The proceeds of said toll gate shall be applied by the board of supervisors of Giles county toward the cost and expense of the

construction and maintenance of said road.

CHAP. 183.—An ACT to authorize the killing of elk in the counties of Botetourt, Rockingham and Rockbridge under certain conditions. [H B 358]

## Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That the owner, tenant, or lessee of any land in Botetourt, Rockingham and Rockbridge counties is hereby authorized to kill any elk found destroying or doing damage to crops or fruit trees growing upon his land.

Provided that no such elk shall be killed, except while actually on the lands of such owner, tenant or lessee.

CHAP. 184.—An ACT to amend and re-enact an act entitled an act to prescribe conditions under which county roads, not part of the State highway system, may be built and maintained from funds derived exclusively from local bonds or taxes provided for such purposes, approved March 20, 1920.

[H B 286]

## Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to prescribe conditions under which county roads, not part of the State highway system, may be built and maintained from funds derived exclusively from local bonds or taxes provided for such purposes, approved March twentieth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 1. Where the voters of any county or magisterial district in Virginia have heretofore, or shall hereafter, vote a bond issue, in order to provide a fund to be used in improving and constructing the public roads, or any part thereof, of such county or magisterial district, not included in the State highway system nor under joint construction or maintenance by the county and State, the boards of supervisors of such counties shall have the exclusive right to use such fund in the improvement and construction of such roads, as the voters by their votes designate it should be used on. And such boards of supervisors shall, have the right to use said fund on such roads to provide



specification for the improvement of said roads, and shall have the right, independent of the State highway commission, to use said fund in the improvement and construction of such roads. And for this purpose may employ such engineers as they choose, and may either let said work to contract, or do said work in any way they may choose. Nothing in this act shall apply to the counties of Spotsylvania, Norfolk, Rappahannock, Culpeper, Greene, Albemarle, Shenandoah, King and Queen, Essex, Middlesex, Mathews, and Gloucester.

2. All acts and parts of acts in conflict with this act are hereby

expressly repealed.

CHAP. 185.—An ACT to authorize the board of supervisors of Wise county to issue bonds of said county on behalf of Roberson magisterial district thereof for a sum not exceeding sixty thousand dollars, for the purpose of providing funds to macadamize and otherwise permanently improve a certain road of said district known as the Indian Creek road, from station 240 to station 455 plus 66 thereon, a distance of approximately 21,566 feet; and to levy taxes to pay the interest thereon and to create a sinking fund for the payment of the principal of said bonds at maturity. [H B 426]

## Approved March 15, 1922.

Whereas, the board of supervisors of Wise county, by resolution adopted on the fourteenth day of February, nineteen hundred and twenty-two, has expressed its desire to be authorized by the general assembly of Virginia to issue and sell bonds of said county, on behalf of Roberson magisterial district thereof, to an amount not exceeding sixty thousand dollars, for the purpose of macadamizing a portion of a public road of said district, known as the Indian Creek road, for the reason that after all available funds of said district, from bond issue under the general law, or otherwise, have been exhausted there will be left an unimproved section or gap in said road of a distance of approximately twenty-one thousand, five hundred and sixty-six feet, and for the further reason that the importance of said road as a through line of travel, connecting said section with national highway routes, demands the early completion of the same; therefore,

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Wise county be, and it is hereby, authorized and empowered, in its discretion, to proceed immediately, or from time to time, as it may deem expedient, to issue bonds of Wise county, for and on behalf of Roberson magisterial district of said county, not to exceed in the aggregate the sum of sixty thousand dollars for the purpose of providing funds to macadamize or otherwise permanently improve that portion of the public road from Pound to the Gladeville-Roberson district line towards Glamorgan and Wise, known as the Indian Creek road, from station two hundred and forty thereon to said Gladeville-Roberson district line at station four hundred and fifty-five plus sixty-six thereon, a distance of approximately twenty-one thousand, five hundred and sixty-six feet; such bonds shall be signed by the clark thereof, under the seal of said board;

shall be payable or redeemable at such time or times, not exceeding thirty (30) years from the date of issue, and to bear interest payable at such times and at such rate, not exceeding six per centum per annum, and to be in such denominations, and either coupon or registered, as the said board may determine. There shall be printed on the face of said bonds the following: "These bonds are issued for road improvement in Roberson magisterial district of Wise county, but the full faith and credit of Wise county is pledged for the payment of the interest thereon and the principal thereof at maturity." The sale of such bonds may be conducted and effected in such manner as the said board may determine; provided, they shall not be sold for less than their par value.

2. The said board of supervisors shall annually levy a tax upon all the property within the said magisterial district subject to taxation for such purpose, including such property located, or the situs whereof for taxation may be, within the limits of the incorporated towns of said district, at such rate as will be sufficient to pay the interest on said bonds, and to create a sinking fund for the payment of the principal thereof at maturity.

3. By reason of the fact that the public interest requires that said road work be commenced as soon as possible, an emergency is hereby declared to exist, and this act shall be in force from its passage.

CHAP. 186.—An ACT to amend and re-enact sections 2930, 2931, 2932 and 2933 of the Code of Virginia, and to repeal an act entitled an act to amend and re-enact sections 2 and 3 of an act entitled an act to amend and re-enact an act entitled an act to provide for change in the form of government of cities having a population of less than 100,000, and of towns, and to provide in what manner such cities and towns may adopt such form of government, approved March 20, 1916, approved March 14, 1918.

[H B 296]

## Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That sections twenty-nine hundred and thirty, twenty-nine hundred and thirty-one, twenty-nine hundred and thirty-two and twenty-nine hundred and thirty-three of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 2930. Provisions for the submission of the question of change of form of government to the electors.—Upon the petition of electors, equal in number to at least ten per centum of those qualified to vote at the last preceding general election at which a mayor or council was elected, and specifying the particular form of government permitted under this act, and which they wish to adopt including the number of councilmen, and whether they are to be elected at large or by wards, and whether they are to receive compensation for their services or not, presented to the circuit court having jurisdiction over such city or town, or to the judge thereof in vacation, asking that an election be held as herein provided, such

court, or judge, shall pass an order entered in term time or vacation, directing the proper election officers of such municipality to take such steps and prepare such means as may be necessary to submit to the qualified voters of such municipality for determining the question whether such proposed change in the form of government shall be adopted or not; and the court or judge shall make such order as may be proper to give due publicity to such election, the same to be held not less than thirty nor more than ninety days after the entry of the order by the court or judge. If there be no circuit court in any such city, then such petition shall be presented to the corporation or hustings court or judge thereof in vacation. Accompanying the petition of said electors there shall be a certificate from the clerk in whose office there is now required to be filed a list of qualified voters, which shall show the number of persons qualified to vote at the last preceding regular June election for municipal officers. If the list so filed in the office of such clerk shall not contain the names of persons who are not required to pay their poll tax in order to vote, then there shall likewise accompany such petition a certificate from the registrars giving the number of persons who were qualified to vote at said election and not on the list filed with such clerk.

Such election shall be conducted in the manner prescribed by law for the conduct of regular elections and by the regular election officers of said municipality. The election shall be by secret ballot, and the ballots used shall contain the following, "For proposed change in form of municipal government"; "Against proposed change in form of municipal government"; and the drawing of a line through the words "for" or "against" or any part thereof, shall be sufficient to indicate the wishes of the persons voting. Returns of the election shall be certified by the commissioners of election, or their clerk, to the court, or the judge thereof in vacation; and if it shall appear that the proposed change has not been adopted by a majority vote of the qualified electors, an order shall be entered of record accordingly, and no other election for any change in the form of government of such city or town shall be held within two years after such election; but if the said proposed change is adoptel by a majority vote of the qualified electors, the court or judge thereof, shall enter an order accordingly, a copy of which shall be forthwith certified by the clerk of such court to the council of such city or town for recordation upon its journal. Should there be more than one petition filed with the court or judge, asking for the adoption of different provisions of this act, he shall order an election upon the plan having the greatest number of voters petitioning for the same.

Any such election may be contested and the proceedings for all such contests shall conform, as near as may be, to the provisions of

section twenty-seven hundred and fifty-four.

Section 2931. The election and terms of officers as to towns.—The election of the mayor and the members of the council of any town adopting such change in its form of government, shall be held at the next regular election for mayor and members of the council of such

town; and the mayor and members of the council so elected shall enter upon their duties upon the first day of September following their election, and shall serve until their successors shall have been elected and shall have duly qualified. The terms of mayor and members of town council elected hereunder, and their successors, shall be for a period of two years, and until their successors shall have been elected

and qualified.

Section 2932. The election of members of the council in cities.— The election of members of the council of any city adopting such change in its form of government, shall be held at the next regular election for mayor and members of the council for such city; and the members of the council so chosen shall enter upon their duties on the first day of September following their election. And the terms of all hold-over members of the council shall cease and be determined on said first day of September following said election. If, however, more than two years shall elapse between such special elections adopting such change in the form of government in such city, and the next regular election for mayor and council, then the election of the members of the council herein provided for shall be held at the next regular June election for members of the council for such city; and the members of the council so chosen shall be elected for a term of two years, commencing on the first day of September following the election. The terms of the councilmen who would otherwise hold over shall cease and be determined on that date, but the successors of such two year councilmen, elected at the next regular election, and the next successors of all councilmen now serving hereunder shall be elected at the time and in the manner provided by general law, but the successors of such two year councilmen, who shall be elected at the next regular election, and the successors of all councilmen now holding office under the provisions of this act in any city, as well as all councilmen elected at the first election hereafter held for councilmen hereunder in any city that has already, or may hereafter adopt such change in its form of government, shall by drawing lots be divided into two groups of equal numbers, or as nearly equal numbers as possible, one of which groups shall serve for two years and until their successors shall have been elected and qualified, and the other group shall serve for four years and until their successors shall have been elected and qualified, but the successors of all councilmen whose division into groups is herein provided for, as well as all other councilmen to be elected by any city adopting such change in its form of government, whose division into groups is not herein provided for, shall serve for a term of four years, and until their successors shall have been elected, and shall have qualified, and all elections to be held under this act shall be held at the time and in the manner provided for by general law.

Section 2933. How vacancies in council filled.—If any vacancy occur in the membership of any council herein provided for, the remaining members shall fill said vacancy for the unexpired term; provided, however, that should either the plan of government as set



out in section twenty-nine hundred and thirty-eight, and described as "Modified commission plan," or the plan set out in section twentynine hundred and forty-two, and described as "City manager plan," be adopted, then the first election to be held thereunder shall be at the next regular June election for mayor and members of the council, or of members of the council, whichever shall first occur thereafter; the officers so chosen shall enter upon their duties on the first day of September following. And the terms of all the members of the old council of such cities, whether they be hold-over members or not, as well as of the mayor (if his term has not then expired) shall cease and be determined on said first day of September following such election. And the term of office of all officers and employees theretofore appointed or elected by the old council shall in like manner cease and determine on said first day of September.

2. An act entitled an act to amend and re-enact sections two and three of an act entitled an act to amend and re-enact an act entitled an act to provide for change in the form of government of cities having a population of less than one hundred thousand, and of towns, and to provide in what manner such cities and towns may adopt such form of government; approved March twentieth, nineteen hundred and sixteen, approved March fourteenth, nineteen hundred and eighteen, is hereby repealed.

CHAP. 187.—An ACT to amend and re-enact section 7 of an act entitled an act to provide for the issuing of county bonds for permanent road or bridge improvement in the magisterial districts of the counties of the State, and repealing all acts in so far as the same are in conflict herewith, approved September 5, 1919.

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section seven of an act entitled an act to provide for the issuing of county bonds for permanent road or bridge improvement in the magisterial districts of the counties of the State, and repealing all acts in so far as the same are in conflict herewith, approved September fifth, nineteen hundred and nineteen, be amended and re-enacted so as to read as follows:

Section 7. After issuing such bonds or any of them, when the next levy is laid or tax imposed in said county, a tax shall be levied on all property liable to county or district tax in such magisterial district in which the proceeds of the bonds have been or are to be expended, including such property located or the situs of which for taxation is, within the limits of any incorporated town situated within such districts, to pay the interest on the bonds so issued, and to create a sinking fund to redeem the principal thereof, at maturity; and, in addition, an annual levy at a rate to yield a sum equal to but not less than, three per centum of the amount of bonds issued in any year, or, in lieu thereof, an amount equal to the amount raised from said additional levy may be set aside by the board of supervisors from

other funds of the county, or may be raised by other means now provided for by law, which sum shall be expended under the direction of the local road authorities in the maintenance and upkeep of the roads constructed and improved hereunder, and from year to year said levy or assessment shall be made until the bebt and interest are paid, which levy shall not exceed ninety cents on the one hundred dollars (\$100.00) of taxable property within the said magisterial district of said county; the amount levied for and set apart as a sinking fund and the interest accruing thereon shall be used for the payment of the principal of said bonds, and for no other purpose.

Should for any reason the county in any way have to assume any payment on account of said bond issue, either interest or principal it is hereby provided that the board of supervisors shall levy such tax in said magisterial district as may be necessary to defray the amount assumed by the county, it being and having heretofore been intended that bonds issued or to be issued under this act are county obligations, but payable primarily out of levies upon the property in the magisterial districts, where the proceeds of the bonds may be

expended hereunder.

The board of supervisors is hereby authorized and empowered to apply any part or all of said sinking fund to the payment or purchase of any of said bonds, at any time, and all bonds so paid off or purchased by said board of supervisors shall be immediately cancelled, and shall not be reissued, and the board of supervisors is authorized and empowered to lend out, upon real estate security, the loan not to exceed fifty per centum of the assessed value of such real estate (except in the county of Charlotte, where such loan may not be in excess of fifty per centum of the value), or deposit in bank at interest all accumulations of money to the credit of said sinking fund; provided, as aforesaid, and to collect and re-invest the same and the interest accruing thereon from time to time, so often as may be necessary or expedient, until such bonds become subject to call; provided, that no money to credit of sinking fund shall be loaned out or deposited or invested by the said board of supervisors, unless the security of said loan, deposit or investment shall first be determined upon investigation, and if found sufficient, approved by the circuit court of said county or the judge thereof in vacation, and the form of the security be examined and approved by the Commonwealth's attorney of said county, which approval shall be entered of record in the order book of said court.

CHAP. 188.—An ACT to authorize and empower the board of supervisors of Franklin county to erect and maintain toll gates on the improved roads of said county.

[H B 371]

Approved March 15, 1922.

<sup>1.</sup> Be it enacted by the general assembly of Virginia, That the board of supervisors of Franklin county is hereby authorized and empowered, at its discretion, to erect and maintain toll gates on such

roads in the aforesaid county as the said board may have heretofore permanently improved or may hereafter permanently improve, charging thereon such toll as the aforesaid board may deem advisable and proper, with the right to grant rebates on tollage to any persons, who may have paid anything out of their private funds towards the construction of any such roads; provided, however, that no toll gate shall be erected on any road within five miles of the corporate limits of the town of Rocky Mount, nor on any roads included in the State highway system, and provided, further, that no toll gates shall be established on the roads of any district in said county unless the supervisor of the particular district shall vote in favor of the establishment of such toll gate. All receipts derived from the toll gates established under this act shall, except to the extent above provided, constitute a fund for the maintenance of the road on which the gates are established.

CHAP. 189.—An ACT to amend and re-enact sections 6 and 7 of an act to ratify, confirm and validate all the acts of the present de facto trustees of the school district of the town of Leesburg, and their predecessors in office; for the appointment of the present de facto trustees as trustees de jure; to ratify all the acts, proceedings and resolutions of said de facto trustees, acting as the school board of said district, also the acts, orders and resolutions of the board of supervisors of Loudoun county, and all other officials, relative to the issuance of bonds by said school district for the purpose of erecting a school building and equipping the same in said school district; to validate an election held in said school district on Thursday, March 3, 1921, authorizing the said board to issue bonds in the aggregate amount of seventy-eight thousand dollars; to validate the bonds issued or to be issued by the said board in pursuance of said election; to authorize the said board to prescribe the denomination of and maturities of said bonds; to provide for levy of taxes, and their collection, sufficient to maintain the schools of said district, to pay the interest on said bonds annually, and to provide for an annual sinking fund to pay the bonds as the same shall mature in accordance with the terms and provisions thereof, approved Febru-[H B 480] ary 17, 1922. Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That sections six and seven of an act "to ratify, confirm and validate all the acts of the present de factor trustees of the school district of the town of Leesburg, and their predecessors in office; for the appointment of the present de facto trustees as trustees de jure; to ratify all the acts, proceedings and resolutions of said de facto trustees, acting as the school board of said district, also, the acts, orders and resolutions of the board of supervisors of Loudoun county, and all other officials, relative to the issuance of bonds by said school district for the purpose of erecting a school building and equipping the same in said school district; to validate an election held in said school district on Thursday, March third, nineteen hundred and twenty-one, authorizing the said board to issue bonds in the aggregate amount of seventy-eight thousand dollars; to validate the bonds issued or to be issued by the said board in pursuance of said election; to authorize the said board

to prescribe the denomination of and maturities of said bonds; to provide for levy of taxes, and their collection, sufficient to maintain the schools of said district to pay the interest on said bonds annually, and to provide for an annual sinking fund to pay the bonds as the same shall mature in accordance with the terms and provisions thereof," as approved February seventeenth, nineteen hundred and twenty-two, be amended and re-enacted so as to read as follows:

6. That in pursuance of said election the said school board is hereby authorized to issue bonds to an amount, in the aggregate, of seventy-eight thousand dollars, for the purpose aforesaid, in such denominations, and with such dates of maturity as the said school board may deem proper, bearing interest at six per centum per annum, payable semi-annually, which bonds, issued or to be issued, are hereby ratified, approved, confirmed and validated, and are hereby declared to be the valid and binding obligation of the said school district of the town of Leesburg, Virginia, and are hereby constituted a lien on all the school property in the aforesaid district, and the buildings

erected thereon, enforceable by suit in equity.

7. The authorities who, under the Constitution and present general law, are directed to levy and collect school taxes shall, and they are hereby authorized to, levy not in excess of the rate prescribed by general law, such rate of taxation on all taxable property in said school district as may be sufficient to maintain the schools of said district and pay the installments of interest accruing on said bonds, and provide an annual sinking fund sufficient to pay the principal of the bonds annually maturing. From the tax so collected, there shall be first paid or set aside sufficient sums for the maintenance of primary schools as required by section one hundred and thirtysix of the Constitution of Virginia, and then a sufficient sum shall be set aside to pay the installments of interest on said bonds and the principal of the bonds annually maturing before any further expenditures from said funds for school purposes shall be made; and it shall be the duty of said authorities to make such levy and collect and disburse the same as aforesaid, and, upon failure so to do. annually, the holder of any bond or bonds which have matured or on which interest is in default, may, by mandamus, compel the exercise of this official duty.

2. The said school district being in urgent need of funds to be derived from the issuance and sale of said bonds for the purpose aforesaid, an emergency exists and this act shall be in force from its

passage.



CHAP. 190.—An ACT to authorize the district school board of Big Stone Gap school district, No. 5, of the county of Wise, in the State of Virginia, to borrow money for the purpose of school improvements in said district, and to issue bonds therefor, not to exceed the sum of \$15,000 in amount.

[H B 453]

### Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the school board of Big Stone Gap school district, number five, of the county of Wise, in the State of Virginia, be authorized and empowered to borrow money, not to exceed the sum of fifteen thousand dollars, the proceeds of such loan to be used for school improvement in said district.
  - 2. The said school board may issue bonds not to exceed the sum of fifteen thousand dollars, to bear interest not to exceed six per centum per annum payable semi-annually, with interest coupons attached thereto, and the principal thereof to be paid twenty (20) years after date thereof, said bonds to be a lien upon all of the school property of said school district, number five, of said county of Wise. The said school property shall be pledged for the payment of the principal and interest of said bonds, as therein set forth, and as shown by interest coupons thereto attached, which said bonds shall be in form as follows:

Know all men by these presents, that the district school board of Big Stone Gap school district, number five, of the county of Wise, in the State of Virginia, is justly indebted to and promises to pay \_\_\_\_\_ or bearer, the sum of one thousand dollars, bearing interest at the rate of \_\_\_\_\_ per centum from date, payable semi-annually on surrender of the proper interest coupons hereto attached, until said principal sum shall be paid in full.

In testimony whereof, the said district school board of Big Stone Gap school district, number five, of the county of Wise, State of Virginia, hath caused the corporate seal of the same to be affixed and these presents to be signed by its chairman and attested by its clerk, this the \_\_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_\_,

- 3. The said bonds shall be in denomination of one thousand dollars each, and in making sale of same in accordance with the provisions of this act, such bonds shall in no event be sold at less than the par value thereof. And the said district school board shall provide for the payment of the accruing interest on said bonds, or so many thereof as may be issued and sold, and also for the payment of the principal of said bonds, in such manner and by such means as it shall deem necessary.
- 4. The said bonds, or any one or more of same, may be issued and sold by the said district school board, only for the purposes herein set forth.
- 5. The necessity for raising money for the purpose of aforesaid improvements in said district creates an emergency, and this act shall be in force from its passage.

CHAP. 191.—An ACT to authorize, empower and direct the board of supervisors of the county of Princess Anne to borrow money by the issue of bonds in the aggregate sum of fifteen thousand dollars (\$15,000), for the purpose of building and improving school buildings in Pungo magisterial district in said county; to sell the said bonds; to provide for the payment of interest thereon and principal thereof and to authorize the school board for Pungo district of Princess Anne county to dispense the funds so obtained.

[H B 452]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Princess Anne county be and it is hereby authorized, empowered and directed to issue bonds in the aggregate amount of fifteen thousand dollars (\$15,000), in accordance with the provisions hereinafter contained, in the name of the county of Princess Anne, for the purpose of purchasing and improving the school buildings in Pungo magisterial district in the said county.

2. The board of supervisors, at its first meeting after the adoption of this act, shall direct the issue of fifteen thousand dollars (\$15,000) worth of the said bonds, which shall be signed by the chairman and countersigned by the clerk of the board of supervisors under the seal thereof; shall be in the denomination of one hundred dollars (\$100) or some multiple thereof; shall bear interest at the rate of not less than five and one-half per centum and not more than six per centum per annum; shall be payable semi-annually at the office of the treasurer of the said county or at the National Bank of Commerce of Norfolk, Virginia, and shall be payable as to the principal thereof at not exceeding fifteen years from the date thereof at the said office of the treasurer or at the National Bank of Commerce, Norfolk, Virginia, said rate and maturity to be determined by the said board of supervisors.

The said bonds may be either registered or coupon bonds, as the said board of supervisors may prescribe and they shall have written

or printed in each the following language, namely:

"These bonds are issued for building and improving the public school buildings in Pungo magisterial district, but the full faith and credit of the entire county of Princess Anne is hereby pledged for their payment and a tax is to be levied upon the property in the said Pungo magisterial district to pay the interest on these bonds and to create a sinking fund in amount to pay the same upon maturity."

The said board of supervisors are directed, before making sale of any of said bonds, to advertise for bids for the purchase of the same at least once a week for four consecutive weeks in one or more newspapers published in the city of Norfolk, Virginia, which advertisement shall describe the bonds proposed to be sold by stating the number and amount, security and rate of interest and the time of redemption, and the said board of supervisors shall receive sealed bids for said bonds addressed to the chairman of the said board to be opened by the said chairman, and the highest and best bid, amounting to at least the par value of said bonds to be sold shall be accepted; the said bonds shall be sold to be paid for in lawful money only and

shall not be sold below par and upon the sale of the said bonds, the board of supervisors shall issue and deliver the same.

The board shall deliver the said bonds to the treasurer of the county, who shall deliver the said bonds to the purchasers thereof on their order upon the payment of the purchase price thereof. The treasurer and his security shall be liable for the amount received for said bonds, as though it were a county levy, and the said bonds shall be expended for the building and improving of the public school buildings in said Pungo magisterial district of Princess Anne county by the school board of the said Pungo district, as in its discretion shall seem best.

3. The redemption and payment of the said bonds and the interest thereon and the levy, collection and application of taxes therefor shall be governed by the general laws of this Commonwealth relating to the issuing of bonds for the erecting of school houses in the magisterial districts of the counties of the State, it being intended that the bonds issued were under our county obligations but payable primarily out of the levy upon the property in said Pungo magisterial school district, where the proceeds of funds are to be expended.

4. By reason of the condition of the school houses and the need of new buildings in said Pungo magisterial district, emergencies are hereby declared to exist and this act shall be enforced from its passage.

CHAP. 192.—An ACT to authorize and provide for the expenditure of the surplus of the proceeds of the road bonds issued by the county of Henry, pursuant to the road bond election held on the twenty-eighth day of June, 1921, in the construction and improvement of public roads in said county, in addition to those designated in the order of election; and for the construction of bridges on the aforesaid designated roads and on the said additional roads; and for the appointment, by the circuit court of Henry county, of a commission to act jointly with the State highway commissioner or road engineer, in inspecting and receiving any work done under or by virtue of this act.

[H B 427]

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Henry be, and they are hereby, authorized and required to expend the surplus proceeds, when they shall become available, which have arisen out of the sale of the road bonds of said county, issued pursuant to the road bond issue election held in said county on the twenty-eighth day of June, nineteen hundred

and twenty-one, in the construction and improvement of public roads of said county in addition to those designated in the order of election.

2. The said board of supervisors of Henry county may, and they

are hereby authorized to, expend a portion of said surplus funds, when said funds become available, with the approval of the circuit court of Henry county, or the judge thereof in vacation, in the construction of bridges on the aforesaid designated roads and on the

said additional roads, where such bridges are necessary for the natu-

ral use and enjoyment of the aforesaid roads.

- 3. The said additional roads and bridges shall be designated by the board of supervisors of said county, subject to the approval by the circuit court of Henry county or the judge thereof in vacation. In the event that the said board fail to designate said additional roads or bridges, or in designating them, fail or refuse to advertise for bids for their construction, within a reasonable length of time after the said surplus funds become available, then it shall be the duty of the commission—appointed as hereinafter provided—to designate the said additional roads and the said bridges, subject, however, in like manner, to the approval of the circuit court of Henry county or the judge thereof in vacation, and to advertise for bids for their construction. Upon such designation, either by the board of supervisors or the said commission, and the approval thereof as aforesaid, either by the circuit court of Henry county or the judge thereof in vacation, the subsequent proceedings by, either the said board of supervisors or the said commission, in respect to the letting, construction and improving of said additional roads or designated roads and the letting and construction of said bridges, shall conform to the provisions of law in such cases made and provided.
- 4. It shall be the duty of the circuit court of Henry county, or the judge thereof in vacation, as soon as practicable after the said funds become available, to appoint a commission, composed of two citizens of Henry county and the county engineer, whose duties, in addition to those hereinbefore mentioned, shall be to act jointly with the State highway commissioner or road engineer, in inspecting and receiving all work done in pursuance of this act. The two men so appointed shall receive the sum of five dollars (\$5) per day and all expenses to be paid out of the said surplus tunds, for each and every day actually spent in inspecting and receiving the work as aforesaid. The county engineer shall, by virtue of his office, be chairman of this commission.
- 5. No convict aid or State aid, as contemplated under chapters eighty-seven and eighty-eight of the Code of Virginia, or under any other provision of law shall be withheld on account of any provision of this act; but the same shall be given and furnished, to the same extent and in like manner, as if the construction and improvement of said roads and bridges had been entirely governed by general law.
- 6. All acts and parts of acts inconsistent with this act are hereby repealed in so far as they apply to the expenditure of the aforesaid surplus funds.
- 7. An emergency existing this act shall be in force from its passage.

CHAP. 193.—An ACT to amend and re-enact section 89 of an act entitled an act to provide for the settlement, registration, transfer, and assurance of titles to land, and to establish courts of land registration with jurisdiction for said purposes, and to make uniform the laws of the States enacting the same, approved February 24, 1916, as amended by acts approved March 20, 1916, March 20, 1918, and March 2, 1920. [H B 365]

## Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That section eighty-nine of an act entitled an act to provide for the settlement, registration, transfer and assurance of titles to land, and to establish courts of land registration with jurisdiction for said purposes, and to make uniform the laws of the States enacting the same, approved February twenty-fourth, nineteen hundred and sixteen, as amended by acts approved March twentieth, nineteen hundred and sixteen, March twentieth, nineteen hundred and eighteen, and March second, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:
- Sec. 89. Referendum.—This act shall not apply to land in any city or county, except the cities of Richmond, Lynchburg, Petersburg, Fredericksburg, Williamsburg, Portsmouth, Alexandria, and the counties of Culpeper, Bedford, Surry, Henrico, Mecklenburg, Charlotte, Prince George, Brunswick, Dinwiddie, Hanover, King William, Fairfax, New Kent, Charles City, James City, York, Warwick, Henry, Halifax, Powatan, Spotsylvania, Lunenburg, Appomattox, Fluvanna, Prince William, Botetourt, Goochland, Greensville, Sussex, Mathews, Middlesex, Princess Anne, Prince Edward, Campbell, Southampton, Arlington, Stafford, Nottoway, Norfolk and Amelia, until it shall be so determined by the votes of a majority of those voting for or against the adoption thereof at any general or special election to be held in such city or county, after notice thereof shall have been duly posted for at least thirty days at each voting precinct in such city or county by order of the judge of the corporation court of such city or the circuit court of such county upon the petition of one hundred freeholders residing in such city, or one-sixth of the qualified voters residing in such county, the question to be submitted by ballots upon which the words "For land registration" and "Against land registration" shall be printed, and one or the other of said expressions being stricken out as the voter may favor or oppose the act. But no such election shall be held oftener than once in two years.
- 2. An emergency existing, this act shall be in force from its passage.

CHAP. 194.—An ACT to prohibit any person from killing, capturing or chasing deer in the county of King and Queen for a period of five years. [H B 464]

#### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to kill, capture or chase deer in the county of King

and Queen for a period of five years beginning on the passage of this act.

- 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred dollars, or confined in jail not exceeding one month, or both.
- 3. An emergency existing, this act shall be in force from its passage.

CHAP. 195.—An ACT to repeal an act entitled an act to incorporate the town of Madison, in the county of Madison, approved March 20, 1875. [H B 389]

### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to incorporate the town of Madison, in the county of Madison, approved March twenty, eighteen hundred and seventy-five, be, and the same is, hereby repealed.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 196.—An ACT to repeal an act entitled an act to constitute the town of Salem and adjoining territory a separate school district, approved February 23, 1888, as amended by an act approved February 9, 1900. [H B 450]

## Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to constitute the town of Salem and adjoining territory a separate school district, approved February twenty-third, eighteen hundred and eighty-eight, as amended by an act approved February ninth, nineteen hundred, be, and the same is hereby, repealed.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 197.—An ACT to prohibit the use of giant powder, dynamite and other explosive substances injurious to fish, in any of the water courses of Lee county.

[H B 443]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person or persons to use giant powder, dynamite or other explosive substances for the destruction of fish, in any of the water courses of Lee county.

2. Any person violating any of the provisions of this act shall upon conviction thereof be fined not less than fifty nor more than two hundred dollars, and be imprisoned in jail not less than thirty

nor more than sixty days.



CHAP. 198.—An ACT to prohibit the killing, capturing or chasing of deer in the counties of Bath and Highland for the term of four years. [H B 391]

### Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to kill, capture or chase deer in Bath and Highland counties for the term of four years beginning November first, nineteen hundred and twenty-two and ending November first, nineteen hundred and twenty-six.
- 2. Any one violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one hundred dollars and confined in jail not exceeding six months, or both. The justices of the peace and the circuit courts shall have concurrent jurisdiction in the trial of all violations of this act.
- 3. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAP. 199.—An ACT to amend and re-enact section 7 of an act entitled an act to create for the county of Norfolk a commission of roads and bridges and to prescribe the powers and duties of such commission, and thereby to provide for controlling, constructing and keeping in repair the public roads and bridges within said county, and for acquiring, establishing, altering and vacating roads and bridges therein; and to repeal an act entitled an act for working and keeping in repair the public roads in Norfolk county, approved February 18, 1890, as amended by acts approved February 26, 1908, and March 14, 1910, respectively, and also to repeal an act entitled an act for working and keeping in repair the public roads in Norfolk county, approved February 1, 1894, approved February 1, 1915, as amended by an act approved March 19, 1920.

[H B 233]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section seven of an act entitled an act to create for the county of Norfolk a commission of roads and bridges, and to prescribe the powers and duties of such commission, and thereby to provide for controlling, constructing and keeping in repair the public roads and bridges within said county, and for acquiring, establishing, altering and vacating roads and bridges therein; and to repeal an act entitled an act for working and keeping in repair the public roads in Norfolk county, approved February eighteenth, eighteen hundred and ninety, as amended by acts approved February twenty-sixth, nineteen hundred and eight, and March fourteenth, nineteen hundred and ten, respectively, and also to repeal an act entitled an act for working and keeping in repair the public roads in Norfolk county, approved February first, eighteen hundred and ninety-four, approved February first, nineteen hundred and fifteen, as amended by an act approved March nineteenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Section 7. From and after the passage of this act, the road and quarry machinery, equipment and material now belonging to the county of Norfolk shall be subject to the authority and control of the

said commission, and it shall have power to purchase machinery, teams, equipment, supplies and material, and to perform all other

things necessary to carry out the purpose of this act.

Male persons convicted of misdemeanors and committed to the jail of Norfolk county, unless such person shows to the judge of the circuit court of said county good cause to the contrary, shall on the request of the said commission, be delivered to it for work in the quarry or quarries owned by the county of Norfolk and under the control of said commission; provided, that the number of such prisoners so delivered, including those already delivered and working therein, shall not at any time exceed twenty-five.

The said commission shall also have authority to prevent the public from traveling on any road or bridge, or any portion thereof, while the same is being built, improved or repaired. Said commission may make all necessary contracts, and may require proper bonds from all contractors and material men for the faithful performance of their contracts or undertakings. Any rules and regulations of a general nature that the commission shall prescribe respecting travel by the public shall be published at least twice in a newspaper of general circulation published in the city of Norfolk or Portsmouth, and posted at four public places in each magisterial district of the county.

CHAP. 200.—An ACT to authorize and empower the board of supervisors of Franklin county, Virginia, to borrow money and issue bonds for the purpose of constructing and improving a road from the State highway near Sontag, Virginia, via Snow Creek store to the Henry county line near Shady Grove, in Snow Creek magisterial district, and requiring the said board to levy a tax for the purpose of paying the interest on said bonds and to create a sinking fund to redeem the principal thereof at maturity. [H B 428]

# Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Franklin county be, and it is hereby authorized and empowered to borrow the sum of fifty thousand dollars, or as much thereof as may be necessary, and to issue coupon bonds therefor, for the purpose of constructing and improving a road in Snow Creek magisterial district, in Franklin county, from the State highway near Sontag, by way of Snow Creek store to the Henry county line near Shady Grove, to connect with the Henry county sand clay road; said bonds to be issued in denominations to be determined upon by the said board of supervisors, bearing interest at not exceeding six per centum per annum, payable semi-annually, with interest coupons attached thereto, the principal to be paid one-fourth in five years from their date, another one-fourth in ten years from their date, another one-fourth in fifteen years from their date, and the remainder in twenty years from their date. The said bonds shall not be sold for less than the par value thereof.

2. The bonds authorized to be issued by this bill shall be signed

by the chairman of the board of supervisors of Franklin county, and countersigned by its clerk, and under the seal of the said board.

- 3. The board of supervisors of Franklin county shall annually include in the levy upon the property and lawful subjects of taxation in Snow Creek magisterial district, as a part of the county levy in said magisterial district, a sum sufficient to pay the annual interest on said bonds, and create a sinking fund to pay and redeem said bonds at or before maturity.
- 4. An emergency existing, this act shall be in force from its passage.

CHAP. 201.—An ACT to amend and re-enact an act entitled an act to authorize the school board of Butts road magisterial district, No. 4, of the county of Norfolk, to borrow money for the purpose of school improvements in said district, and to issue bonds therefor, not exceeding \$50,000.00 in amount, approved February 25, 1920. [H B 197]

### Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That an act entitled an act to authorize the school board of Butts road magisterial district, number four, of the county of Norfolk, to borrow money for the purpose of school improvements in said district, and to issue bonds therefor, not exceeding fifty thousand dollars in amount, approved February twenty-fifth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:
- 2. That the school board of Butts road magisterial district, number four, of the county of Norfolk, be authorized and empowered to borrow money not to exceed the sum of thirty thousand dollars, the same to be used for school improvements in said district.
- 3. That the said school board shall issue bonds not to exceed the said sum of thirty thousand dollars, the said bonds to be in denominations of one thousand dollars, to bear interest at the rate of six per centum per annum, payable semi-annually, with interest coupons thereto attached, and the principal thereof to be paid twenty years after date thereof, and to be a lien upon all the school property of said school district number four of the county of Norfolk. The said school property shall be pledged for the payment of the principal and interest thereof, according to their tenor and date, and the said bonds shall be in the form following:

Know all men by these presents: That the school board of Butts road magisterial district, number four, of the county of Norfolk, in the State of Virginia, is justly indebted to \_\_\_\_\_, or bearer, in the sum of \_\_\_\_\_ dollars, redeemable twenty years after date hereof, and bearing interest at the rate of six per centum per annum from date, payable semi-annually on surrender of the proper compons hereto attached, until payment of the principal sum.

In testimony whereof the said school board of Butts road magisterial district number four, of the county of Norfolk, has caused the corporate seal to be affixed, and these presents to be signed by its chairman and attested by its clerk, this \_\_\_\_\_ day of \_\_\_\_, nineteen hundred and \_\_\_\_\_,

4. That in making sale of the said bonds that shall be issued in accordance with the provisions of this act, at no time shall the said bonds be sold for less than their par value; and the said school board shall provide for the payment of the accruing interest, and also for the principal of said bonds, in such manner and by such means as it shall deem necessary.

5. The said bonds shall be issued and sold by the said school board for the purpose of raising said sum of money, or any part

thereof, only for the purpose herein set out.

6. The necessity of raising money for the purposes of school improvements in this district creates an emergency, and this act shall be in force from its passage.

CHAP. 202.—An ACT to amend and re-enact sections 7 and 27 to 34, inclusive, and 35 to 40, inclusive, of an act entitled an act to amend and re-enact an act entitled an act to provide a new charter for the town of Farmville, approved February 10, 1890, as amended by an act to amend and re-enact section 18 of the charter of the town of Farmville, approved February 8, 1898, and amended by an act to amend and re-enact sections 1, 13 and 21 of an act entitled an act to provide a new charter for the town of Farmville, approved February 20, 1900, as amended by an act to amend and re-enact section 21 of the charter of the town of Farmville, approved February 8, 1901, as amended by an act to amend the charter of the town of Farmville, approved March 12, 1912, as amended by an act to amend section 15 of the charter of the town of Farmville, approved March 20, 1916, as amended by an act to repeal section 3, to amend and re-enact sections 4 and 5 and to enact sections 5-a and 21-a, and to amend and re-enact sections 34, 39, 44, 49 and 57 of an act to provide a new charter for the town of Farmville, approved March 4, 1920.

[H B 257]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section seven and sections twenty seven to forty, inclusive, of an act entitled an act to amend the charter of the town of Farmville, approved March twelve, nineteen hundred and twelve, be amended and re-enacted so as to read as follows:

Sec. 7. The mayor and councilmen shall each, before entering upon the duties of their respective offices, take oaths prescribed for all other officers by the laws of Virginia; but if any or either of them shall fail so to do for thirty days after the commencement of the term for which he or they are elected, his or their office shall be deemed vacant. And they shall as soon after September first, nineteen hundred and twenty-two, as may be convenient, and such succeeding council shall, at the beginning of the term of office of its members, or as soon thereafter as may be convenient, elect a town sergeant and likewise a town treasurer, who shall hold office for and during the term of the council electing, and until their successors are elected and have qualified, and the treasurer so elected shall perform the

duties hereinafter particularly set out and such other duties as may be prescribed by the council electing him.

Sec. 27. Town treasurer.—The town treasurer shall keep an accurate record of all the proceedings of the meetings of the town council in a well-bound book called the "minute book."

Sec. 28. He shall attest the correctness of all records and orders of the council.

Sec. 29. He shall transcribe to a book kept for the purpose all ordinances, resolutions and orders of a permanent nature; such book shall be known as "record of ordinances."

Sec. 30. He shall perform all the duties in relation to the assessment of property for the purposes of levying town taxes and licenses

that may be ordered by the town council.

Sec. 31. He shall make out an annual list of all assessments for taxes and licenses and a list of all patrons of water, electricity, sewer, together with all dues owing by them from time to time; keep a list of same and whenever called upon by the council make such report of his transactions as may be required.

Sec. 32. He shall keep such books, records, schedules and other papers and in such manner as the town council shall prescribe, and all such books, records, schedules and other papers shall be subject

to the inspection of the mayor, and council.

Sec. 33. He shall collect and receive all moneys due the town and pay out the same upon the order of the town council under such rules and regulations as may be prescribed by the council. He shall keep his books and accounts in such manner as the council may prescribe.

Sec. 34. He shall deposit to the credit of the town in such bank or banks as the town council may designate as depository of the town moneys, all moneys received by him, said deposit to be made for each month and within ten days from the end of each month.

Sec. 35. He shall make report to each regular meeting of the town council of all moneys received by him for the preceding month, together with all disbursements made for the said month, such report to be in form prescribed by the council.

Sec. 36. He shall give bond in the penalty of not less than five thousand dollars nor more than ten thousand dollars with security

approved by the council.

Sec. 37. His compensation shall not exceed two thousand five hundred dollars per annum for all services rendered by him and incident to this office, and all moneys received by him in fees or otherwise growing out of his official position, shall be accounted for by him, and all such fees or other compensation shall be charged up against his salary, and he shall receive from the town only so much as is in excess of said fees and other compensation.

Sec. 38. In the collection of taxes and assessments the treasurer shall be vested with the powers and be subject to all the liabilities and penalties now prescribed by law with regard to county treasurers

of the State of Virginia and shall have power to levy on property and sell the same for cash.

Sec. 39. He shall make such reports from time to time as may be required of him by the council.

2. All acts and parts of acts inconsistent herewith are hereby repealed.

3. This act shall be effective on and after September first, nineteen hundred and twenty-two.

CHAP. 203.—An ACT to provide for the drainage of low lands in the county of Princess Anne.

[H B 390]

Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That whenever one or more owners of lands situated in the county of Princess Anne, shall desire to drain the same through the lands of another or others, or whenever one or more owners of lands situated in the said county through which the lands of another person or persons are drained may desire to lay out and establish a drain ditch, the circuit court for the said county shall, on the petition of said owner or owners, appoint three commissioners, who shall view the premises, and if they deem it proper, lay out ditches for that purpose; provided, that notice be given to all land owners that may be affected by such petition ten days prior to the session of said circuit court, and the party giving the notice filing evidence of the same with the circuit court.
- 2. The commissioners may take with them a competent surveyor; shall specify the courses, distances and sizes of every ditch they lay out; the estimated cost of making the same; the damages, if any, and to whom payable, and the proportion which each person benefited shall pay. They shall make return in writing, with a plat showing by general delineations, without survey, the boundary lines of such lands and of each taxable portion thereof, or of any land benefited, and the estimated number of acres. The commissioners and surveyors shall be sworn to the faithful and impartial discharge of duty. All the commissioners shall act, but a majority may decide any matter.

3. The commissioners shall award to any person, who will be injured by making any such ditch, damages to the amount of such injury, and the same shall be paid or tendered before cutting the said ditch.

- 4. All persons who will be benefited by such a ditch shall be liable to contribute to the cost of making the same and to the damages awarded and expenses of the proceedings. The commissioners shall determine who will be benefited, and shall apportion the same upon them according to such benefit.
- 5. The court may, before confirmation of the return, grant orders of review, on application of any party interested; and, if it appears at any time, before confirmation of the return of the commissioners,

that one or more parties liable to contribute have not received the notice named in section one, the court shall enter an order directing that notice be served on the said parties, and return the report to the

commissioners for a fuller report.

6. If any public road crossed by such ditch will be benefited so that the public ought to make and maintain the bridge over the same, the commissioners shall so state in their return, and such bridge shall then be made and kept up at the expense of the county. Should any turnpike, toll-road, and so forth, be so crossed by such ditch, the provisions of this section shall apply to it, except that the ditch shall be made and kept up by those running or operating said road.

7. The commissioners making any return that shall be confirmed shall, within one month after such confirmation, convene the persons liable to contribute to any such ditch embraced therein, for the purpose of choosing two managers and a treasurer of the ditch. to serve for one year and until others are chosen. Notice of the time and place of this meeting shall be posted in two or more public places of the neighborhood ten days before the meeting. The managers shall annually thereafter, in the same manner, call a meeting for the same purpose on the last Saturday in March. At all meeetings those liable to contribute who may be present shall be entitled to vote in the proportion as each is liable to contribute—that is to say, each taxable shall be entitled to one vote for every dollar of tax paid by him.

The return, as confirmed by the court, shall remain in force for ten years thereafter as the basis of any subsequent assessment that may be made by the managers for completing, cleansing or repairing the ditch, or other necessary purpose. After ten years a new assessment may be had by making application to the court in the same manner and by the same proceedings as on an original

petition.

- The managers chosen as aforesaid shall proceed to make and open ditches according to the return as aforesaid, or to cleanse and repair the same as may be necessary, and shall have all needful powers for that purpose. They shall keep regular accounts of all expenditures, and render the same to the yearly meeting of the taxables. All payments shall be made by orders drawn by them on the treasurer. Any person assessed for a tax may discharge the same by work done by the direction of the manager, and the certificate of the managers shall be received by the treasurer in payment of the tax. In superintending the cutting of the ditch only one manager shall be on duty at the same time.
- 10. The treasurer shall collect all sums assessed as aforesaid. and shall have the same powers herein as collector of other taxes: provided, that no property belonging to any taxable shall be sold for the payment of the assessment until notice has been given to such taxable and the said property duly advertised in some newspaper in the county and at two or more public places in the neighborhood of the ditch for ten days prior to the sale. He shall give bond to the



taxables, with security to be approved by the managers, in double the amount of the assessment which he may be authorized to receive, conditioned for the faithful performance of his duty, and for the payment to his successor of any money that may be due him. He shall settle with the taxables at their annual meeting, and shall be entitled to retain five per centum on the amount received as compensation.

11. Any person taxed for a ditch which does not pass through his lands may, at his own expense, open and keep open cross-ditches into the same; provided, that such cross ditches shall not be cut through the land of any other person without his consent, unless it shall be laid out and the damages assessed by the commissioners appointed to lay out the main ditch, or other three commissioners, to be appointed by the court for that purpose. The person applying for such cross-ditch shall pay all costs of making and opening the same, and shall also, before making it, pay or tender all damages awarded. But any person benefited by such cross-ditch shall contribute and pay so much of the said damages, costs and expenses as the commissioners shall determine to be his fair proportion thereof.

12. Ditches so opened shall remain open for the benefit of those

liable to contribute therefor.

13. If any person shall intentionally stop up or obstruct any ditch cut under this law he shall forfeit and pay to the managers, for the use of the ditch, not less than five nor more than fifty dollars.

14. This chapter shall apply to all ditches, blind or open, laid out, or to be laid out, by order of the circuit court, whether for the benefit of the landowners of the public highways, for completing, extending, enlarging, or cleaning thereof; but it shall not be to alter any special law for ditching or draining the public roads.

15. If any commissioners appointed under this act shall die, refuse or be unable to act, any judge of the circuit court, either in

term or vacation, may appoint another in his place.

16. The fees under this chapter shall be: To each commissioner, two dollars and fifty cents per day; to the managers, each two dollars and fifty cents for each day actually employed in the discharge of their duties; to the surveyor, such reasonable sum as may be agreed upon by the commissioners; to the attorney conducting the proceedings, fifty dollars; and all other costs not herein provided for shall be regulated by existing laws for fees for similar services.

17. The commissioners under this chapter may adopt, in whole or as a part of the ditch to be located and laid out under this law, any natural stream, any ditch or ditches already made, cut, or laid out.

18. An emergency existing, this act shall be in force from its passage.



CHAP. 204.—An ACT to provide how the school board of the Yokum station district, No. 5, of Lee county, may issue bonds of the Yokum station district, No. 5, not exceeding \$15,000.00 for the purpose of paying off the indebtedness of said school district and how the said bonds shall be issued and payable, and to provide that said bonds shall be a lien on all the school property of the said district. And to provide how a levy to pay the interest and sinking fund on said bonds shall be laid by the board of supervisors of said county on the taxable property of said district, and to provide that said levy shall not exceed the twenty-five cents provided for in section 2, of chapter 398, of the acts of the general assembly, approved March 20, 1920.

[H B 205]

### Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the school board of the Yokum station district number five, of the county of Lee, be authorized and empowered to issue bonds immediately and from time to time on the Yokum station district number five, of the county of Lee, not to exceed fifteen thousand dollars (\$15,-000.00), for the purpose of paying off the indebtedness of the said school board of the said Yokum station district number five, of the county of Lee, such bonds to be payable or redeemable at such time or times not to exceed ten years from the date of issue and to bear interest at a rate not to exceed six per centum payable semi-annually, and to be of such denominations and to be either coupon or registered, as said school board of the Yokum station district number five, of the county of Lee, may determine, provided, that such bonds shall not be sold at less than their par value. The said school property of the said Yokum station district number five shall be pledged for the payment of the principal and interest thereof according to their tenor and date.
- 2. The board of supervisors of Lee county shall annually fix and order a special levy on all the property located in said Yokum station district number five, of the county of Lee, subject to levy for such purpose, of such amount as will be sufficient to pay the interest on said bonds, and to create a sinking fund for the payment of the principal thereof at maturity; the said levy herein provided for shall not exceed the twenty-five cents levy provided for in section two, of chapter three hundred and ninety-eight, of the acts of the general assembly of Virginia, approved March twentieth, nineteen hundred and twenty.
- 3. It appearing that the public interest requires that the bond issue herein provided by the act be carried out without delay, an emergency is hereby declared to exist, and the act shall be in force from its passage.

#### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That in addition to any other indebtedness of the city of Newport News and

CHAP. 205.—An ACT to authorize the city of Newport News to borrow \$150,-000.00 and issue bonds therefor, for the purpose of refunding the outstanding short-term military highway notes.

[H B 239]

the certificates of debt or bonds which the said city has, from time to time issued, the council of the said city may, by a four-fifths vote thereof, in the name of and for the use of said city, cause to be issued bonds or certificates of indebtedness (the form of which shall be prescribed by the council) to the amount of one hundred and fifty thousand dollars, bearing interest at a rate not to exceed six per centum per annum, and payable in the discretion of the council in not more than thirty years, which said bonds may be either sinking fund or serial bonds, as the council may determine. One hundred thousand dollars of the amount received from the sale thereof shall be used for the purpose of paying off and redeeming a like amount of short term notes heretofore issued by the city, dated March first, nineteen hundred and seventeen, known as military highway notes, and the balance is to be used to reimburse the general fund of the city for the military highway notes heretofore paid therefrom.

2. In that the said notes dated March first, nineteen hundred and seventeen, will shortly mature, an emergency is declared, and

this act shall be in force from its passage.

CHAP. 206.—An ACT to authorize the district road board of Scott magisterial district, Fauquier county, Virginia, to pay off and discharge certain certificates of indebtedness issued by it December 15, 1916, in order to borrow money to resurface and otherwise improve the macadam road in said district, from The Plains to Middleburg.

[H B 237]

### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That the district road board for Scott magisterial district in the county of Fauquier, is hereby authorized and empowered to pay off and discharge certain certificates of indebtedness issued by the said road board on December the fifteenth, nineteen hundred and sixteen, in order to borrow money with which to re-surface and otherwise improve the macadam road from The Plains to Middleburg, in said district and county, and to pay the said certificates of indebtedness from the district levies made and to be made, and the same to be paid by the said road board out of said district levies at such time or times as they, in their judgment, may determine, the said certificates being issued to and now held by residents of Fauquier and Loudoun, the funds derived therefrom having been exclusively used for the resurfacing and improving of the said highway.

CHAP. 207.—An ACT to repeal an act entitled an act to provide a special police for Newport magisterial district in the county of Warwick, approved February 19, 1894, as amended by an act approved January 11, 1900. [H B 254]

### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to provide special police for Newport magisterial district in the county of Warwick, approved February nineteenth, eighteen hundred and ninety-four, as amended by an act approved January eleventh, nineteen hundred, be and the same is hereby repealed.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 208.—An ACT authorizing the board of supervisors of Warwick county to distribute certain portions of the general county levy funds among the various districts for road purposes. [H B 255]

### Approved March 15, 1922.

Whereas, there is now in the general county levy, funds of Warwick county an amount in excess of the demands which will have to be paid out of said funds; and

Whereas, the funds now available for the district roads in the various districts of the said county are not sufficient to meet the necessary expenditures to be made for said district roads; therefore,

- 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Warwick county is authorized and empowered to distribute fifty per centum of the said excess of the general county levy fund of the said county among the various districts in the proportion that the said districts contribute to said funds, or a sufficient portion of said fifty per centum to meet the demand for district roads.
- 2. An emergency existing, this act shall be in force from its passage.

CHAP. 209.—An ACT to amend and re-enact section 10 of an act entitled an act to incorporate the town of South Hill, Mecklenburg county, Virginia, approved February 16, 1901, as heretofore amended. [H B 256]

#### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section ten of an act entitled an act to incorporate the town of South Hill, Mecklenburg county, Virginia, approved February sixteenth, nineteen hundred and one, as heretofore amended, be amended and re-enacted so as to read as follows:

Section 10. To meet the expenditures that may be lawfully chargeable to the said town, the council may annually levy a town levy of so much as in its opinion may be necessary, upon all taxable

persons and property, resident or situate, within the said town, not exempted from taxation by the laws of the State; provided, that a corporation tax not greater than one dollar per head on the inhabitants of the said town, over the age of twenty-one years, except those pensioned by the State for military service, may be levied in any one year; and provided, further, that a tax so levied on the real and personal property within the said town does not exceed one dollar and fifty cents on the one hundred dollars of the assessed value thereof for any one year.

CHAP. 210.—An ACT authorizing the school board of Mt. Gilead school district, in the county of Loudoun, with the approval of the board of supervisors of said county, to borrow a sum not exceeding \$37,000 for the purpose of erecting school buildings in the said district.

### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That the school board of Mount Gilead school district, of the county of Loudoun, Virginia, with the approval of the board of supervisors of said county, be, and it is hereby, authorized and empowered to borrow sums of money not to exceed a total of thirty-seven thousand dollars, the proceeds of such loans to be used for erecting school buildings at Hamilton, Purcellville, and Bluemont in the said district.

The said loan shall be effected by issuing notes of the district school board, signed by the chairman and countersigned by the clerk, said notes to be issued for a term of not over five years, and to be payable at the option of the school board at any time, and to

bear interest at not exceeding six per centum per annum.

3. An emergency existing, this act shall be in force from its passage.

CHAP. 211.—An ACT to supply the West Virginia State department of archives and history with specimens of the various Virginia bonds exchanged for bonds of West Virginia, under act of West Virginia, approved April 1, 1919. [H B 273]

# Approved March 15, 1922.

Whereas, the State department of archives and history of West Virginia have requested specimens of the various Virginia bonds which were exchanged for those of West Virginia under the West

Virginia act of April first, nineteen hundred and nineteen,

1. Be it enacted by the general assembly of Virginia, That the board of sinking fund commissioners of Virginia be and they are hereby authorized to supply to the said State department of West Virginia specimens of such bonds as may be in their possession making due note upon the records of such board of such specimens so supplied, and of the fact that the same have been duly cancelled before delivery.

CHAP. 212.—An ACT authorizing and directing the chairman of the board of supervisors of Amherst county to convey to the school board of Court House district, in behalf of Amherst county, a certain lot in said district for public school purposes.

[H B 277]

Approved March 15, 1922.

Whereas, the school board of Court House district, Amherst county, Virginia, has for a great many years used a lot of two acres of land located in Court House district; being a part of what is known as the poor house farm, and situated on the road from Clifford to Monitor; on which lot a public free school has been located for many years; and

Whereas, the school board of Court House district recently erected a new school building on the said property with the consent of the board of supervisors of said county, and the board of supervisors is now desirous of making to the said school board a deed to the said

property; therefore,

1. Be it enacted by the general assembly of Virginia, That the chairman of the board of supervisors of Amherst county be, and is hereby, authorized and directed to execute and deliver on behalf of Amherst county to the said school board of Court House district a deed in fee simple to said lot which will be more particularly described by a survey to be recorded with and made a part of said deed.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 213.—An ACT to authorize the school board of Richmond district, number one, of the county of Wise, to issue and sell bonds to an amount not exceeding \$60,000 for the purpose of erecting and furnishing a new public school building in the village of East Stone Gap in said school district, and to provide for the payment of the interest thereon and the principal thereof at maturity.

[H B 278]

## Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That the school board of Richmond district, number one, of the county of Wise, be, and it is hereby, authorized and empowered in its discretion, to proceed immediately or from time to time, as it may deem expedient, to issue bonds of said school board, not exceeding in the aggregate the sum of sixty thousand dollars (\$60,000) for the purpose of providing funds for the erection and furnishing of a new public school building in the village of East Stone Gap in said school district. Such bonds shall be signed by the chairman of said board, and countersigned by the clerk thereof, under the seal of said board; shall be payable or redeemable at such time or times, not exceeding thirty years from the date of issue, as said board may determine; shall bear interest payable at such times, and at such rate, not exceeding six per centum per annum, as said board may determine; shall be of such denominations, and either coupon or registered, as said board may determine; and, if it shall be so stated on the face of such bonds, there shall be a lien on all the school



property of said school district for the payment of the principal thereof and the interest thereon. The sale of such bonds may be conducted and effected in such manner as the said school board may determine; provided, such bonds shall not be sold for less than their par value.

2. The board of supervisors of Wise county shall provide for the annual levy and collection of a tax upon all the property within said school district subject to taxation for such purpose, at such rate as will be sufficient to provide for the payment of the interest on such bonds, and to provide a sinking fund for the payment of

the principal thereof at maturity.

3. By reason of the fact that the school building now being used at said place is inadequate to serve the public needs, and is unsafe on account of lack of protection from fire, and there is therefore an urgent necessity for the erection of such new building, an emergency is hereby declared to exist, and this act shall be in force from its passage.

CHAP. 214.—An ACT to authorize the school board of Richmond district, number one, of the county of Wise, to issue and sell bonds to an amount not exceeding \$60,000, for the purpose of paying off the floating indebtedness of said school district, and to provide for the payment of the interest thereon and the principal thereof at maturity.

[H B 279]

### Approved March 15, 1922.

Whereas, in Richmond school district, number one, of the county of Wise, by reason of the fact that the funds available have been inadequate to meet the needs and requirements of said school district, a floating indebtedness has been gradually accumulating until it has reached the sum of approximately sixty thousand dollars; and

Whereas, the school board of said school district, on the thirtieth day of January, nineteen hundred and twenty-two, adopted a resolution setting forth the above and asking the general assembly of Virginia for authority to issue bonds for the purpose of paying off

and discharging said floating indebtedness; therefore,

1. Be it enacted by the general assembly of Virginia, That the school board of Richmond district, number one, of the county of Wise, be, and it is hereby, authorized and empowered, in its discretion, to issue bonds of said school board, not exceeding the sum of sixty thousand dollars (\$60,000), for the purpose of paying off the floating indebtedness of said school district. Such bonds shall be signed by the chairman of said board and countersigned by the clerk thereof under the seal of said board; shall be payable or redeemable at such time or times, not exceeding thirty years from the date of issue, as said board may determine; shall be ar interest payable at such times, and at such rate, not exceeding six per centum per annum, as said board may determine; shall be of such denominations, and either registered or coupon, as said board may determine, and, if it shall be so stated on the face of such bonds, there



shall be a lien on all the school property of said school district for the payment of the principal thereof and the interest thereon. The sale of such bonds may be conducted and effected in such manner as the said board may determine; provided, such bonds shall not be sold for less than their par value.

The board of supervisors of Wise county shall provide for the annual levy and collection of a tax upon all the property within said school district subject to taxation for such purpose, at such rate as will be sufficient to provide for the payment of the interest on such bonds, and to provide a sinking fund for the payment of the principal thereof at maturity.

3. By reason of the fact that the proper management of the finances of said school district demands that such bonds be issued as soon as possible, an emergency is hereby declared to exist, and this

act shall be in force from its passage.

CHAP. 215.—An ACT to validate, ratify, approve and confirm an election held by the qualified voters of the county of Madison, Virginia, on the eighteenth day of May, 1920, in pursuance of an order of the circuit court of Madison county, Virginia, on the ninth day of March, 1920, and to validate, ratify, approve and confirm certain bonds issued and to be issued in pursuance thereof, for the purpose of building, macadamizing or otherwise permanently improving certain roads in Madison county as set out in the order of the circuit court of Madison county entered on the ninth day of March, 1920. TH B 2871

## Approved March 15, 1922.

Whereas, at an election held on the eighteenth day of May, nineteen hundred and twenty, in the county of Madison, State of Virginia, under an order of the circuit court of said county entered on the ninth day of March, nineteen hundred and twenty, a majority of the qualified voters of the said county of Madison voting on the question of issuing bonds for the purpose of constructing, macadamizing or otherwise permanently improving certain roads in the county of Madison as set out and described in the order of the circuit court of Madison county, entered on the ninth day of March, nineteen hundred and twenty, voted in favor of the same, and authorized the issuance of bonds of the said county to an amount not exceeding two hundred and sixty-three thousand dollars; therefore,

1. Be it enacted by the general assembly of Virginia, That the said election held in the said county of Madison, State of Virginia. as aforesaid on the eighteenth day of May, nineteen hundred and twenty, be and the same is hereby validated, ratified, approved and confirmed, and that the bonds of the said county issued and to be issued in pursuance thereof are hereby validated, ratified, approved and confirmed, and declared to be valid and binding obligations of

the said county of Madison.

2. An emergency existing, this act shall be in force from its passage.



CHAP. 216.—An ACT to authorize the board of supervisors of Botetourt county to borrow \$10,000 for the purpose of refunding bonds issued by said board of supervisors January 1, 1904, for the purpose of building a bridge across James river in that county, and to issue bonds of the said county therefor.

[H B 288]

### Approved March 15, 1922.

Whereas, the board of supervisors of Botetourt county, under an act of the general assembly of Virginia, approved April fourteenth, nineteen hundred and three, issued certain bonds of the said county amounting to ten thousand dollars, for the purpose of building a bridge across James river at Glen Wilton, in said county, payable not exceeding twenty years from their date; and

Whereas, said bonds will mature and become payable January

first, nineteen hundred and twenty-four; therefore,

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Botetourt be, and hereby is, authorized and empowered to borrow a sum of money not exceeding ten thousand dollars for and in the name of the said county, to refund the bonds issued by said board of supervisors, as aforesaid, and to issue bonds of said county for the loan thereof; and they may appoint an agent, or agents, to negotiate the loan of the said sum of money. Said bonds may be either registered or with coupons attached, as said board of supervisors may prescribe; shall be signed by the chairman of the said board of supervisors, and countersigned by the clerk thereof; shall be in denominations of one hundred dollars, or some multiple thereof; shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually at the office of the treasurer of said county, and shall be payable not exceeding twenty-five years from the date thereof at said office, but may, in the discretion of said board, be redeemable at such time or after such period as the said board may prescribe; but no bonds issued under this act shall be sold or negotiated at less than par.

At the time at which the said board of supervisors makes its annual levy for the said county, it shall levy on all the property in said county liable to county levies such tax to pay the interest on the bonds of the county so issued, and to create a sinking fund to redeem the principal thereof, as said board of supervisors may deem necessary or proper.

CHAP. 217.—An ACT to authorize the council of the town of Covington to omit certain buildings in the town of Covington from taxation by said town for a period of five years. [H B 301]

### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That the town council of the town of Covington may by a two-third recorded vote pass an ordinance providing that no town taxes shall be assessed against any buildings erected in said town, within one year

from the passage of this act, for a period of not exceeding five years from the date of said ordinance.

2. An emergency existing, this act shall be in force from its passage.

CHAP. 218.—An ACT validating certain negotiable notes issued by the board of supervisors of the county of Shenandoah, and authorizing said board to issue additional negotiable notes of said county. [H B 316]

## Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That negotiable notes of the county of Shenandoah heretofore issued by the board of supervisors of said county for general county purposes be, and the same are hereby, validated, and the said board of said county is authorized to issue negotiable notes of said county for general county purposes, provided that the total of the notes validated and authorized by this act shall not exceed the sum of twenty-five thousand dollars.
- 2. An emergency existing, this act shall be in force from its passage.
- CHAP. 219.—An ACT authorizing and directing the board of supervisors of Washington county to make an annual allowance, as a salary to one deputy sheriff in said county.

  [H B 322]

  Approved March 15, 1922.
- 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Washington county, shall annually, in each year at its regular meeting for such year for the fixing of all exofficio salaries of other county officers make an ex-officio allowance, as a salary to one deputy sheriff of said county. The allowance hereunder for said salary of said deputy sheriff shall not be less than six hundred dollars nor more than twelve hundred dollars and shall be paid out of the treasury of said county as said board shall direct.

The name of the deputy sheriff, who is to receive the said allowance, as a salary, as provided hereunder, shall be recommended and certified, in writing, by the sheriff of said county to said board of supervisors, thirty days before its regular meeting in each year for the fixing of ex-officio salaries of other county officers for said county and said recommendation and certificate shall be delivered by said sheriff to the chairman of said board.

2. An emergency existing, this act shall take effect from its passage.

CHAP. 220.—An ACT discontinuing the toll gate near the corporate limits of the city of Winchester on the North Frederick road, and providing for the sale of the toll gate property and the disposition of the proceeds thereof.

[H B 3721]

### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That no toll shall be collected on and after January first, nineteen hundred and twenty-three, on the North Frederick road extending from Winchester through Gainesboro in the county of Frederick, and the toll gate on said road near the corporate limits of the city of Winchester, shall be discontinued on the said date, and the toll gate property consisting of a certain plat of land together with residence and improvements thereon, shall be sold to the highest bidder, and proceeds from same together with any funds on hand on January first, nineteen hundred and twenty-three, which were collected at said gate, shall be applied on the construction of a bridge to be built over Back creek on said North Frederick road.

CHAP. 221.—An ACT to authorize and empower the board of supervisors of Culpeper county to borrow not exceeding twenty thousand dollars, for the purpose of resurfacing and patching Madison road between the corporation line and Salem district line in Catalpa magisterial district of said county; and to require the said board to levy a tax to pay the interest thereon and to create a sinking fund to redeem the principal thereof at maturity.

[H] B 3741

### Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Culpeper county be, and it is hereby authorized and empowered to borrow a sum not exceeding twenty thousand dollars for Catalpa magisterial district in said county, the proceeds of said loan to be used for the purpose of resurfacing and patching Madison road between the corporation line and the Salem district line.
- 2. The said loan shall be effected by issuing the bonds of said county, signed by the chairman of the said board of supervisors and countersigned by the clerk thereof, in denominations of one hundred dollars or multiples thereof, payable in not exceeding twenty years after the date thereof, with coupons attached for the semi-annual payment of interest at a rate of interest not exceeding six per centum per annum; provided, however, that any or all of the said bonds shall, by the terms thereof, be made redeemable at the discretion of the said board at any time after the expiration of five years from the date of issue.
- 3. After issuing the bonds, provided for in this act, when the first levy is made by the board of supervisors a tax shall be levied on all property, subject to taxation in Catalpa magisterial district in said county, including property within the town of Culpeper, to pay interest on the bonds so issued and to create a sinking fund to

redeem the principal thereof at maturity; and from year to year such levies shall be made on such property in said district until such debt, together with the interest thereon is paid, the said levy not to exceed the rate provided by law.

4. An emergency existing, this act shall be in force from its passage.

CHAP. 222.—An ACT to authorize the boards of supervisors of Prince George and Surry counties to enact special and local legislation for the protection of the public roads, ways and bridges of the said counties, and for the protection of the lives and property of persons using such roads, and providing compensation for special services rendered by supervisors, and to repeal an act entitled an act to authorize the boards of supervisors of Prince George and Surry counties to enact special and local legislation for the protection of the public roads, ways and bridges of the said counties, approved March 16, 1920.

[H B 378]

## Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the boards of supervisors of the counties of Prince George and Surry, respectively, shall have the power to enact such special and local legislation in their respective counties, not to conflict with the Constitution of the Commonwealth, as they may deem expedient to protect the public roads, ways and bridges of the said counties from encroachment or obstruction, or from any improper or exceptionally or injurious use thereof, and to regulate the traffic on said roads for the protection of the lives and property of persons using the same, provided that said board of supervisors may designate the road or roads to which such legislation shall apply. This power shall extend to, and may be exercised over turnpike roads, the control of which has been given to said boards of supervisors, whether tolls be taken thereon or not. But neither of said boards of supervisors shall have power to limit the hauling of the products of farm industry at any time. Each member of the board of supervisors of said counties may be allowed as compensation for his services in the supervision of the opening and repair of the public roads or construction and repair of bridges of said counties not exceeding five dollars per diem for the time he shall be necessarily so employed, but no supervisor shall receive for such services compensation to exceed one hundred and fifty dollars per annum in addition to the amount allowed by law for other services.
- 2. Any violation of any such enactment shall be deemed an offense against the county, whose boards of supervisors shall enact such legislation, and shall be punished by a fine of not less than two dollars and fifty cents, nor more than one hundred dollars, or by imprisonment in jail not more than thirty days, or by both, in the discretion of the court or jury trying the case, which said fine shall be payable to said county.
- 3. An act entitled an act to authorize the boards of supervisors of Prince George and Surry counties to enact special and local legis-

lation for the protection of the public roads, ways and bridges of the said counties, approved March sixteenth, nineteen hundred and twenty, be, and the same is hereby, repealed.

The judicial declaration of the invalidity of any provision, or the application of this act, shall not affect the validity of any other provision or the application thereof.

CHAP. 223.—An ACT to amend and re-enact an act entitled an act to regulate the taking of fish from the streams in Scott county, and providing penalties for the violation of same and repealing all acts or parts of acts in conflict therewith, approved March 16, 1918. [H B 441]

### Approved March 15, 1922.

Be it enacted by the general assembly of Virginia, That an act entitled an act to regulate the taking of fish from the streams in Scott county, and providing penalties for the violation of same and repealing all acts or parts of acts in conflict therewith, approved March sixteenth, nineteen hundred and eighteen, be amended and re-enacted so as to read as follows:

2. It shall be unlawful for any person to catch, destroy, or take fish of any kind or description from any stream in Scott county by any method or means in any way, other than with hook and line,

except as hereinafter provided.

3. It shall be unlawful to use fish berries, lime, giant powder, dynamite or other explosive or chemical substance of any kind for the destruction, taking or catching of fish, in any creek, pond, or river of Scott county, at any time.

Any person violating the provisions of this section shall, upon conviction, be fined not less than one hundred nor more than three hundred dollars, or be confined in jail for a period of not less than

thirty nor more than ninety days, or both.

4. It shall be unlawful for any person to catch or take any fish in any of the waters of Scott county by means of seines or dip nets of any kind, between the first day of April and the first day of June, and it shall be unlawful to fish with seines or dip nets of any kind at any time exceeding twenty-five feet in length.

Any person violating any of the provisions of this section shall, upon conviction, be fined not less than fifty nor more than one hundred dollars, or imprisoned in jail for a term of not less than ten nor more than thirty days, or both, in the discretion of the court or

magistrate trying the same.

5. Be it further enacted that one-half of any fine imposed and collected for the violation of any section of this act shall be paid to any person who gives information to any proper officer or investigates a prosecution for the violation of any of the above sections, in which there may be a conviction.

All acts or parts of acts relating to the taking, catching or destruction of fish, in Scott county, in conflict with any of the pro-

visions of this act, are hereby repealed.

CHAP. 224.—An ACT to validate, ratify, approve and confirm bonds heretofore and hereafter issued on elections heretofore held authorizing the issuance of such bonds by any county of the State for the purpose of macadamizing or otherwise improving public roads or bridges of magisterial districts of said county.

[H B 501]

Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That all elections heretofore held in any county of the State to provide for the issuance of bonds for the purpose of macadamizing or otherwise permanently improving the public roads or bridges of any magisterial district or road district in said county be, and the same are hereby, validated, ratified, approved and confirmed, notwithstanding any defect or irregularity in the calling or holding of said elections or in the petitions presented to the circuit court praying for the holding of said elections, and said proceedings be, and the same are hereby, validated, approved and confirmed, and said bonds are hereby declared to be the valid and binding obligations of the counties authorizing the issuance of said bonds. Provided, however, that this act shall not apply to the county of Louisa or any road bonds issued by said county.
- 2. An emergency existing, in that certain counties are in urgent need of funds to be derived from the sale of bonds for the purpose of improving public roads or bridges in magisterial districts of said counties, this act shall be in force from its passage.

CHAP. 225.—An ACT to amend an re-enact section 3292 of the Code of Virginia, and to repeal an act entitled an act to amend and re-enact subsection 13 of section 2086 of the Code of Virginia, as heretofore amended, approved February 19, 1918.

[H B 165]

### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section three thousand two hundred and ninety-two of the Code of Virginia be amended and re-enacted to read as follows:

Section 3292. License to take crabs; amount of tax; restrictions on privilege; display of license numbers and letters.—Any resident of this State desiring to take or catch crabs from the waters thereof by any of the means hereinafter mentioned, or any person desiring to engage in the business of buying or marketing crabs for picking or canning the same in any way, shall pay to the oyster inspector of the district in which he resides, the following license tax and inspector's fee:

(1) For each person working in any boat in taking or catching soft crabs with scrapes, or either hard or soft crabs with nets or ordinary trot lines, two dollars, and an inspector's fee of fifty cents, and on patent trot lines, ten dollars and an inspector's fee of fifty cents; provided no steam or motor boat shall be used in the taking or catching of soft crabs; provided further, that it shall be unlawful for any person to use ordinary trot lines or patent trot lines for the



taking or catching of hard crabs, on planted grounds of private individuals in the waters of Wormeley's creek, which flows into the York river.

(2) For each said boat to be used for the purpose of taking or catching hard crabs with scrapes or tongs, and for each power boat under thirty-two feet in length used for the purpose of taking or catching hard crabs with scrapes or tongs, five dollars and an inspector's fee of seventy-five cents.

(3) For each power boat over thirty-two feet in length used for the purpose of taking or catching hard crabs with scrapes, twenty-

five dollars and an inspector's fee of one dollar.

(4) For each picking or crating house, ten dollars and an in-

spector's fee of one dollar.

(5) For each canning and packing house, twenty-five dollars

and an inspector's fee of one dollar.

(6) For each boat used in buying crabs, or for each person or firm engaged in marketing hard crabs by barrel or crate, five dollars and an inspector's fee of fifty cents; but no person who is duly licensed to catch crabs shall be required to procure further license for marketing or shipping his own catch. No scrapes or dredges shall be used for catching hard crabs between the first day of May and the first day of December of any year, nor shall it be lawful for any person to dredge for crabs on the planted grounds of private individuals, or any of the natural rocks of this Commonwealth, or to dredge for crabs or clams on any of the public grounds of this Commonwealth, from which clams are taken by tongers using ordinary or patent tongs, nor shall any person catch, take or have in possession at any time a hard crab, other than one in the peeler stage, which shall measure less than five inches across the shell from tip to tip of spike, nor any soft crab measuring less than three inches from tip to tip of spike nor shall any person take, catch, or have in possession at any time between the fifteenth day of June and the first day of September, an egg bearing female crab, known as "spawn crab," "sponge crab," "blooming female crab," or "mother crab," or such a female crab from which the egg or bunion has been removed.

In licensing persons for taking crabs, the oyster inspector shall cause to be placed upon the starboard prow of such person's boat the number of such license in conspicuous figures of not less than five inches in length preceded in all cases by the number of oyster district and the letter "C," and within the "C" the number of persons licensed on such boat, for example, "4C2 1" means district number four, license number one, and two persons licensed. Said number and letters shall be kept displayed during the crabbing season by the master of the boat. No person shall be authorized under the provisions of this section or otherwise, to locate or maintain any net or nets in the waters of Hampton Roads adjacent to the county of Elizabeth City, between Old Point Comfort and Newport News Point, at a distance of less than three hundred yards from any other stand or stands. Any person failing to comply with any of the provisions of this section, or in any way violating the same, shall be fined not less than ten nor more than two hundred dollars for each offense.

2. An act entitled an act to amend and re-enact subsection thirteen of section two thousand and eighty-six of the Code of Virginia, as heretofore amended, approved February nineteenth, nineteen hundred and eighteen, is hereby repealed.

CHAP. 226.—An ACT to amend and re-enact section twenty-four hundred and eight (2408) of the Code of Virginia. [H B 330]

### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-four hundred and eight (2408) of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 2408. Tax tickets.—Each county, town and city treasurer, or other local officer, whose duty it is to collect taxes, shall make out a tax ticket in which shall be stated the name of the taxpayer, the rate for each purpose, the amount of land and the value thereof, and the value of personal property, et cetera, which ticket shall show in prominent words and plain figures the total amount of State tax and in prominent words and plain figures the total amount of tax other than State tax.

CHAP. 227.—An ACT to permit turnpike companies to regulate and control travel and traffic on turnpike roads. [H B 263]

#### Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That any turnpike company shall have the right to make reasonable rules and regulations not in conflict with the provisions of chapter one hundred and sixty-one of the Code, in regard to the use, management, operation and control of any turnpike or road owned, leased, controlled or operated by it, including the right to authorize the use of its road to any person or corporation operating an auto bus or truck line for transportation of passengers or freight. But all such rules and regulations shall first be submitted to and approved by the board of supervisors in each county in which the said turnpike company is located, and said rules and regulations shall be effective in any county when so approved by the board of supervisors in such county and published in such county by weekly publications for two weeks in some newspaper published or having a general circulation in such county. Violation of any rule or regulation duly approved and published as aforesaid shall constitute a misdemeanor and be punishable as such.
- 2. An emergency existing in order that turnpike companies may enact rules and regulations for the protection, use, management, oper-



ation and control of their turnpikes and roads, this act shall be in force from its passage.

CHAP. 228.—An ACT to amend and re-enact section 1616 of the Code of Virginia.

[H B 460]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section sixteen hundred and sixteen of the Code of Virginia be amended and re-enacted to read as follows:

Sec. 1616. Disposition of funds; compensation of members of the board; how paid.—The funds realized from all fees collected by the board shall be accounted for and shall be paid into the State treasury. Each member of the board, except the secretary, shall receive eight dollars for each day actually employed in the discharge of his official duties, together with all necessary expenses incurred. The secretary of the board shall receive, in addition to necessary expenses, an annual salary, to be fixed by the board, not exceeding one thousand dollars. The compensation and expenses of the members, and the necessary expenses of the board shall be paid out of the State treasury, on a requisition signed by the president and secretary of the board, and upon the warrant of the auditor of public accounts.

CHAP. 229.—An ACT to amend and re-enact section 3879 of the Code of Virginia.

[H B 458]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section three thousand eight hundred and seventy-nine of the Code of

Virginia be amended and re-enacted to read as follows:

Sec. 3879. Active and honorary members; voting power.—Corporations created under this chapter may provide in the certificate of incorporation or, by its by-laws for both active and honorary members, and may restrict the voting power at the meeting of the corporation to its active members. Each member of such corporation, or of any corporation heretofore organized under any charter heretofore granted by any court or by the general assembly and authorized to do any act, to conduct any business, or to carry on any object or purpose permitted under section thirty-eight hundred and seventy-two of this Code, having voting power under its charter or by-laws or otherwise shall be entitled to one vote in person or by proxy in the meetings of the corporation. If there be no members having voting power under its charter or by-laws or otherwise, then the entire voting power shall be vested in the trustees, directors or managers who may take any lawful action for or on behalf of the corporation, which might be taken by members having such voting power, or by stockholders and directors under any section of this chapter, or by both.



CHAP. 230.—An ACT to authorize and require the auditor of public accounts to withhold the commissions of a commissioner of revenue for assessing omitted State taxes where the legality of the assessment is contested.

[H B 421]

### Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, required not to pay out of the State treasury the commissions allowed by law for the assessment of omitted State taxes, the assessment of which he knows, or has reason to believe, will be contested, and the auditor of public accounts be, and he is, required to pay the commissions to the commissioner of revenue on omitted State taxes, the legality of the assessment of which is contested, on and after the legality of the assessment has been finally determined.
- 2. To prevent payment out of the State treasury of commissions to commissioners of revenue for assessing omitted taxes, the legality of which is or may be contested, an emergency exists and this act is declared to be in force from its passage.

CHAP. 231.—An ACT to amend and re-enact section 4835 of the Code of Virginia.

[H B 410]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section forty-eight hundred and thirty-five of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 4835. Fees of bail commissioner.—The fees of said commissioner shall be double those of a justice of the peace for the trial of a criminal case; provided, however, in no case shall this payment be made out of the State treasury.

CHAP. 232.—An ACT to amend and re-enact section 3918 of the Code of Virginia, as amended by an act approved March 22, 1920. [H B 188]

#### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-nine hundred and eighteen of the Code of Virginia, as amended by an act approved March twenty-second, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 3918. When reduction in rates or free carriage may be given.—Nothing in this chapter shall apply to the carriage, storage or handling of property free or at reduced rates, when such rates have been authorized or prescribed by the State corporation commission for the United States, State or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of homeless and destitute per-

sons, and the necessary agents employed in such transportation, or to mileage, excursion, or commutation passenger tickets, or to persons in charge of live stock being shipped from the point of shipment to the point of destination and return; nor shall anything in this chapter be construed to prohibit any transportation company from giving reduced rates to ministers of religion, or regular traveling secretaries of the Young Men's Christian Association or the Young Women's Christian Association, whose duties require regular travel in supervision and directing Young Men's Christian or Young Women's Christian Association work; secretaries of duly organized religious work, or to indigent persons, or to inmates of the Confederate homes or State homes for disabled soldiers and sailors, or to disabled soldiers and sailors, including those about to enter, and those returning home after discharge, or carrying the same free; nor from giving free carriage to its own officers, employees, and members of their families, or to any other person or persons to whom the giving of such free carriage is not prohibited by the Constitution of this State, or to prevent the principal officers of any transportation company from exchanging passes or tickets with other transportation companies for their officers, employees and members of their families.

CHAP. 233.—An ACT to amend and re-enact section 12 of an act entitled an act to incorporate the town of Windsor, in the county of Isle of Wight, approved March 15, 1902, as heretofore amended.

[H B 484]

# Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section twelve of an act entitled an act to incorporate the town of Windsor, in the county of Isle of Wight, approved March fifteenth, nineteen hundred and two, as heretofore amended, be amended and re-enacted so as to read as follows:

Sec. 12. The council is hereby authorized to lay, collect, and apply a general levy not exceeding seventy-five cents, not in conflict with general law, on each hundred dollars' worth of property at its assessed value. The said council may also levy and collect a capitation tax not exceeding fifty cents per capita.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 234.—An ACT to amend and re-enact section 2143 of the Code of Virginia.

[H B 243]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-one hundred and forty-three of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 2143. When driver, et cetera, shall keep to the right side of the roadway; when to signal to person behind him.—When the

operator, conductor or driver of any machine approaches a curve, bend or any place where the roadway is not plainly visible for a distance of three hundred feet ahead, he shall at all times keep his machine on the right hand side of the roadway sufficient to allow ample room on the opposite side for the passage of other machines or vehicles irrespective of whether another machine or vehicle is approaching or not.

And when the operator, conductor or driver of any machine intends to stop or turn to the right or left, if there is approaching behind him any vehicle within fifty feet, he shall give a signal, which will plainly indicate to any person or persons within fifty feet behind

him his intention to so stop or turn to the right or left.

CHAP. 235.—An ACT to authorize the board of supervisors of Albemarle county to negotiate a loan and issue bonds of said county for the purpose of improving and repairing the courthouse of said county, and to levy a special county tax in said county to pay said bonds and the interest thereon.

[H R 514]

### Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Albemarle county be, and is hereby, authorized to negotiate a loan from time to time and issue bonds of said county therefor, for an aggregate amount not exceeding fifteen thousand dollars (\$15,000.00), to be used in the improvement and repair of the courthouse of said county.
- 2. That the bonds to be issued hereunder shall bear interest at the rate of not more than five per centum (5%) per annum, payable semi-annually, shall be issued by the board of supervisors of such county and shall be signed by the chairman of said board of supervisors and have the seal of said board attached and attested by the clerk of said board, and shall be in such denominations and payable at such time or times as the board of supervisors may elect, and said bonds shall not be sold at less than par, and each of said bonds issued hereunder shall have written or printed on the face thereof the following words, to-wit: "This bond and the interest thereon is to be paid by a special tax to be levied in the county of Albemarle."
- 3. The board of supervisors of Albemarle county, after said loan has been negotiated and the bonds issued, when the county levy is made or imposed in said county, shall levy a tax on all property now or hereafter liable to local taxation in said county, not in conflict with general law, sufficient to meet the interest on said bonds as they mature, and to create a sinking fund to pay the principal thereof, the amount of said sinking fund to be fixed by said board, and to be invested by the treasurer of said county, under the supervision and direction of said board of supervisors in such manner as said board may direct, until the same shall be needed to pay the principal of said bonds and shall then be used for that purpose, and from year to year said levy or assessment shall be made as long as



it may be necessary to meet said interest and to provide for the payment of the principal of said bonds.

4. For the reason that an emergency exists, this act shall be in

force from its passage.

CHAP. 236.—An ACT to amend and re-enact section 5 of an act entitled an act to incorporate the town of Glade Spring, in the county of Washington, approved March 8, 1875.

[H B 172]

### Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That section five of an act entitled an act to incorporate the town of Glade Spring, in the county of Washington, approved March eighth, eighteen hundred and seventy-five, be amended and re-enacted so as to read as follows:
- Sec. 5. It shall be lawful for the mayor and council of said town to assess and collect an annual tax, in said town, on all such property, real and tangible personal, as is now subject to taxation by the revenue laws of this State, and said mayor and council shall have the right to exercise all powers conferred upon cities and towns by the general laws of this State, as provided in the Code of Virginia, nineteen hundred and nineteen and acts amending the same.

CHAP. 237.—An ACT to regulate the payment and adjustment by common carriers of claims for loss or damage in transit, for storage, demurrage, and car service, and to permit evidence to be shown by affidavits in the trial of certain cases; and to repeal chapter 291 of Acts 1918. [H B 108]

# Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That every claim against a common carrier doing business in this State for loss or damage to property while in his possession, and every claim for storage, demurrage and car service against such carrier under the rules and regulations prescribed by the State corporation commission, shall be adjusted and paid within sixty days in case of ship-ments wholly within this State, and within ninety days in case of interstate shipment, and within sixty days in case of claims for demurrage or car service after the filing of such claim with the agent of such carrier at the point of destination of such shipment or with the claims department of such common carrier. No such claims shall be filed until after the arrival of shipment or some part thereof at the point of destination or until after the lapse of a reasonable time for the arrival thereof, when such claim is for loss or damage to In every case such carrier shall be liable for the amount of such loss or damage to freight, or such penalty as is prescribed for failure to comply with the rules and regulations of the State corporation commission, relating to storage, demurrage, and car service, together with interest thereon from the date of the filing of the claim therefor, until the payment thereof. Failure to adjust and pay such claim within the periods herein respectively prescribed, shall subject such common carrier so failing to a penalty of twenty-five dollars for each and every such failure, to be recovered by such claimant so aggrieved in the same action or proceedings in any court or before any justice having competent jurisdiction in this State; provided, that unless such claimant recover in such action the full amount claimed by him no penalty shall be recovered, but only the actual amount of the loss or damage to freight or car service, or demurrage charges, with interest as aforesaid; and, provided further, that if in such action or proceedings, such claim shall be found to be fraudulent, the claimant shall pay to the carrier a penalty of twenty-five dollars, to be recovered along with the costs. If after such periods above prescribed, the carrier shall voluntarily pay the full amount so claimed, then such penalty alone may be recovered as aforesaid by the claimant.

2. In any action which may be instituted pursuant to this act before a justice of the peace, or a civil justice court for an amount not exceeding three hundred (\$300.00) dollars, either party at or before the return day of the warrant may file an affidavit relating to the subject matter and the other party to such action shall have a right of a continuance for a reasonable time, provided, that any party to such warrant may give reasonable notice to the party filing such affidavit and take the deposition of the affiant or affiants, at such time and place as the court may prescribe, the taking of such deposition to be governed by the rules of law in force regarding the cross-examination of witnesses. Such affidavits and depositions shall be read with the same force and effect as if taken in the form of a deposition after due notice to the other party. In the event of appeal of any such action such affidavits and depositions shall be read in the appellate court with the same force and effect as in the civil justice court, or before the justice of the peace.

3. That the act of the general assembly of Virginia, approved March sixteenth, nineteen hundred and eighteen, relating to the payment and adjustment of freight claims be and the same is hereby

repealed.

#### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section seven (7) of said act be amended and re-enacted so as to read as follows: After such road or roads, or any material part thereof,

CHAP. 238.—An ACT to amend and re-enact sections seven (7), nine (9) and ten (10) of an act entitled an act to provide for the issuing of county bonds for the permanent road or bridge improvements and upkeep and maintenance in the magisterial districts of the county of Scott, approved March 13, 1918, and amended by an act approved March 23, 1920. [H B 235]

shall have been constructed from any bond issue or issues in any magisterial district of the county, at the time the next annual levy is made or tax imposed in said county, in addition to the tax levied for the purpose of paying the interest on the bonds so issued and to create a sinking fund to redeem the principal thereof at maturity, a tax shall be levied on all real estate and tangible property liable for State tax in such magisterial district as stated on the said bond issue at a rate to yield a sum equal to, but not less than, three per centum of the amount of bonds issued in any year, or in lieu thereof, an amount equal to the amount raised from said additional levy may be set aside by the board of supervisors from the funds of the county, or may be raised by other means now provided for by law, which sum shall be expended under the direction and supervision of the board of supervisors in the maintenance and upkeep of the road or roads constructed and improved hereunder, and from year to year said levy or assessment shall be made until debt and interest are paid.

Sec. 9. Where the voters of any magisterial district in the county. of Scott have heretofore, or shall hereafter, vote a bond issue, in order to provide a fund to be used in improving and constructing the public roads and bridges, or any part thereof, in such county or in any magisterial district therein, not included in the State highway system nor under joint construction or maintenance by the county and State, the board of supervisors of said county shall have the exclusive right to use such fund in the improvement and construction of such roads and bridges, as the voters by their votes designate it should be used on. And the board of supervisors of said county shall have the right to use said fund on such roads and bridges, to provide specifications for the improvement of such roads and bridges, and shall have the right, independent of the State highway commission, to use said funds in the improvement and construction of such roads and bridges. And for this purpose may employ such engineers as they choose, and may either let said work to contract, or do said work in any way they may choose.

Sec. 10. The board of supervisors, or the local road board, if there be one, acting jointly, in their discretion, may purchase or authorize the purchase of the necessary machinery and supplies and build or permanently improve such roads on account of the magisterial district making the bond issue authorized in this act; provided, however, that such work shall be done under the same supervision as

is provided in case the work is done by contract.

2. All acts and parts of acts in conflict with this act are hereby

3. An emergency existing, this act shall be in force from its passage.



CHAP. 239.—An ACT to amend and re-enact section 32 of chapter 6 of an act to incorporate the city of Danville, approved February 17, 1890. [H B 159]

### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-two of chapter six of an act to incorporate the city of Danville, approved February seventh, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

The council shall have power to make such by-laws, rules, and regulations for the government of said city as shall not be contrary to the laws of the United States or of this State, and to enforce all such by-laws, rules and regulations by reasonable fines and penalties, not exceeding for any one offense the sum of five hundred dollars, to be recovered before the mayor or any other officer of this city having the jurisdiction to impose or to collect such fine (such fines to be paid into the treasury of said city), and by imprisonment in the corporation jail for a period not exceeding six months; and in case the person or persons so fined shall have no visible effects, it shall be lawful to require such offenders to work out such fines on the public streets or on other public works, under the direction of the mayor or other person having jurisdiction; and the council is hereby empowered to establish a chain gang as a punishment for the incorrigible and vicious, which shall be made a part of the police regulations and be controlled by the chief of police, under the direction of the mayor or other officer with jurisdiction to impose such fine, in pursuance of the ordinances of the city. And for the temporary confinement of persons charged with offenses against the ordinances of the city, and until a proper building is erected for such purpose, the council may select and adopt one of the rooms or apartments of the city jail, to be designated and used as a station house, or room, in charge of the chief of police, under the direction of the mayor or other officer with the same jurisdiction; provided that in cases where fines have been imposed, for the nonpayment of which the mayor, or other trial officer is authorized to inflict imprisonment, the mayor or other officer, of the same jurisdicton, may, in his discretion, take bond, with good security, from the offender, payable to the Commonwealth, or to the city, as the case may be, in a penalty at least double the amount of the fine imposed, with conditions to pay said fine and costs at any named time within three months from the date of said bond, and upon the execution of such bond, the offender may be discharged from custody. And should default be made in the payment of any bond, provided for in this section, the amount thereof, together with interest thereon and costs, may be recovered for the use of the State or the city of Danville, as the case may require, by action or motion after five days' notice before the mayor or any justice of the city, or in proper cases before the corporation court of Danville.

An emergency existing by reason of the pressing need of power on the part of said council to make rules and regulations for the



government of said city and for the suppression of crimes, this act shall take effect upon its passage.

CHAP. 240.—An ACT to authorize, under certain conditions, the mayor and council of the town of Cape Charles, in the county of Northampton, to issue bonds and borrow money for the enlargement, extension, repair, improvement and maintenance of the water and sewer systems of the said town, and to refund certain sewer and water bonds maturing in the year 1923.

[H B 404]

### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That, subject to the provisions of this act, the mayor and council of the town of Cape Charles, in the county of Northampton, be, and they are hereby, authorized and empowered to issue and sell bonds of the said town, in an amount not to exceed in the aggregate the sum of twenty thousand dollars, as hereinafter provided, or so much thereof as, added to the present indebtedness of the said town, shall not exceed the constitutional limitation, the proceeds of which shall be used by the said town for the purpose of enlarging, extending, repairing, improving and maintaining the water and sewer systems of the said town and to refund certain sewer and water bonds maturing in the year nineteen hundred and twenty-three, or for either or any of the said purposes that may be prescribed by the said mayor and council, and to meet such expenses connected therewith, as may be determined upon by the said mayor and council.

The said bonds shall be coupon bonds and shall be issued in denominations of five hundred dollars, or any multiple thereof, as the said mayor and council may prescribe, and shall bear interest at a rate not to exceed six per centum, payable semi-annually. They shall be made to mature at the end of twenty years from the date of their issuance, but redeemable after five years, at the option of the said council, at the end of any interest-bearing period. The said bonds shall be signed by the mayor and countersigned by the clerk of the council and shall be sold and negotiated in such manner as may be prescribed by the said mayor and council, provided that said bonds shall not be sold and negotiated for less than par value. The council shall have power to make annual appropriations out of the revenue of the corporations to pay the interest on said bonds and to provide a sinking fund for the redemption of said bonds when due or when redeemed before maturity, as aforesaid, and if necessary, may levy a special tax annually not to exceed fifteen cents on every one hundred dollars' worth of property subject to local taxation within the limits of said town for said purposes, not in conflict with general law.

3. The bonds provided for in this act, however, shall not be issued unless and until a majority of the qualified voters of the town of Cape Charles voting in the next regular election, or in a special election to be called for the purpose by the judge of the circuit court

of Northampton county, upon a petition of ten per centum of the qualified voters of said town, shall approve the issuance of the same.

4. An emergency existing, this act shall be in force from its passage.

CHAP. 241.—An ACT to amend and re-enact section 37 of an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of Chase City, in the county of Mecklenburg, approved April 1, 1873, as amended and re-enacted by an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of Chase City, in the county of Mecklenburg, Virginia, approved March 3, 1886, as amended by an act entitled an act to amend and re-enact section 5 of the aforesaid act approved January 31, 1890, as further amended by an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of Chase City, in Mecklenburg county, approved February 19, 1894, as amended and re-enacted by an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of Chase City, in the county of Mecklenburg, approved January 30, 1900, approved March 16, 1916. [H B 479]

## Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That section thirty-seven of an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of Chase City, in the county of Mecklenburg, approved April first, eighteen hundred and seventy-three, as amended and re-enacted by an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of Chase City, in the county of Mecklenburg, Virginia, approved March third, eighteen hundred and eighty-six, as amended by an act entitled an act to amend and re-enact section five of the aforesaid act approved January thirty-first, eighteen hundred and ninety, as further amended by an act entitled an act to amend an act entitled an act to incorporate the town of Chase City, in Mecklenburg county, approved February nineteenth, eighteen hundred and ninety-four, as amended and reenacted by an act entitled an act to amend and re-enact an act entitled an act to incorporate the town of Chase City, in the county of Mecklenburg, approved January thirtieth, nineteen hundred, approved March sixteenth, nineteen hundred and sixteen, be amended and reenacted so as to read as follows:
- Sec. 37. The town council shall annually cause to be made up and entered on its journal an account of all sums lawfully chargeable on the town which ought to be paid within one year, and shall order a town levy of so much as, in its opinion, is necessary to be raised in that way for the several funds of the town, in addition to what may be received for licenses and other purposes, but such levy shall not exceed the sum of one dollar and fifty cents on the one hundred dollars assessed value of the property taxed. The levy so ordered may be upon the property therein and on such other subjects as may at the time be assessed with State taxes, except such subjects as towns are forbidden by general law to impose taxes on, or require licenses of, and upon dogs. The council may add penalties for failure of any persons to pay taxes at the time provided



for by ordinance of the council and there shall be a lien for all taxes assessed which may be enforced as provided for by the general laws of the State; provided, however, that the rate on intangible property shall not be in conflict with the general law.

The council may also levy a capitation tax not exceeding one dollar per annum on every resident of the said town not less than twenty-one years of age, except those pensioned by this State for

military services.

CHAP. 242.—An ACT to make it unlawful to destroy or disturb the nests of wild turkeys in this Commonwealth. [H B 133]

### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to destroy or disturb the nests of wild turkeys in this State, provided that the eggs and young of the wild turkeys may be taken, for propagation purposes, only, under a permit from the commissioner of game and inland fisheries.

Violations of the provisions of this act shall be deemed a misdemeanor and punished by a fine of not less than five dollars nor more

than twenty-five dollars.

CHAP. 243.—An ACT to provide that no costs or fees shall be taxed for, or in any way allowed to, an attorney for the Commonwealth in any case unless he, or some one for him, actually appears and prosecutes the proceedings before the court.

[H B 72]

## Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That no costs or fees shall be taxed for, or in any way allowed to, an attorney for the Commonwealth of any city or county in any case, unless he in person, or by a duly authorized assistant, actually appears and prosecutes the proceedings before the court.

2. All acts or parts of acts in conflict with this act are hereby

repealed.

3. An emergency existing, this act shall be in force from its passage.

CHAP. 244.—An ACT to amend and re-enact section 11 of an act entitled an act to incorporate the town of Timberville, in Rockingham county, Virginia, approved February 21, 1894.

[H B 321]

#### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section eleven of an act entitled an act to incorporate the town of Timberville, in Rockingham county, Virginia, approved February twenty-

first, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

Sec. 11. The council may annually levy, on real estate and tangible personal property, a tax for roads, streets, sidewalks and all other purposes by a two-thirds vote, to be approved by the mayor, which on no property shall exceed one dollar on the one hundred dollars' valuation; except that on a petition of freeholders, representing two-thirds of the valuation within the corporation, the council may levy a corporation tax not to exceed the amount named in the petition. The said council shall have the power, and may levy a poll tax not to exceed fifty cents on each male person in any one year.

CHAP. 245.—An ACT to amend and re-enact section 2075 of the Code of Virginia.

[H B 376]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section two thousand and seventy-five of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 2075. How persons confined in jail may be put to work on roads.—Upon written request of the superintendent of the penitentiary, the judge of the circuit court of any county or the judge of the corporation court of any city, shall in term or vacation, unless any such prisoner shows to said judge good cause to the contrary, order any male person convicted of a misdemeanor, or of any offense deemed infamous in law, and sentenced to confinement in jail as a punishment, or part punishment for such offense, or who is imprisoned for failure to pay any fine imposed upon or assessed against him upon such conviction, or who is imprisoned for a violation of an ordinance of any city or town which by said ordinance is punishable by confinement in jail or fine, to be delivered by the jailer of such county or city, to or upon the order of the superintendent of the penitentiary, to work in the State convict road force, and when such request has been so made by the superintendent of the penitentiary, it shall be deemed to be a continuing request until it has been revoked by the superintendent. No one so confined who is under the age of eighteen years shall be so delivered, and the delivery of any such one over the age of eighteen and under the age of twenty-one years shall be discretionary with the court or judge, and persons over the age of eighteen years imprisoned for violation of city, town or county ordinances or sentenced to jail for not more than thirty days for offenses against the Commonwealth, or if for more than thirty days, pending their delivery as members of the State convict road force, shall be liable primarily to work on chain-gangs or public works within such cities. towns or counties at the request of the proper authorities thereof. Any person so sentenced to such chain-gang or public works under this section, shall have the right of appeal from such sentence to the circuit or corporation court, as the case may be.



CHAP. 246.—An ACT to provide a suitable pavilion at Catawba and Piedmont sanatoria for the care of young children with active disease from tuberculosis infection and providing moneys therefor. [H B 356]

#### Approved March 15, 1922.

Whereas, science has demonstrated that tuberculosis infection occurs in childhood and that by proper care of young children with active disease a cure may be effected and these children so infected returned to the citizen body useful and happy citizens: and

Whereas, there are constant applications at our sanatoria for the admission of young children suffering with such disease, and there has been an average of twenty to thirty children constantly at the

sanatoria on adult pavilions: and

Whereas, there are now no suitable buildings at Catawba or Piedmont sanatoria for the treatment of these young children and their recovery is jeopardized by such lack of adequate pavilions; therefore

1. Be it enacted by the general assembly of Virginia, That such a pavilion as meets this need shall be erected at Catawba sanatorium and that the sum of twenty-five thousand dollars, or so much as may be necessary, be and the same is hereby appropriated out of the money in the treasury not otherwise appropriated to Catawba sanatorium to be used for this object and that such a pavilion be erected at Piedmont sanatorium and that the sum of twenty thousand, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated to Piedmont sanatorium to be used for this object.

CHAP. 247.—An ACT to provide dispensary facilities for the rural districts by promoting the tuberculosis educational division of the State board of health and appropriating moneys therefor. [H B 354]

# Approved March 15, 1922.

Whereas, there is a shortage of doctors in many rural sections; and

Whereas, it is increasingly difficult for persons in such districts to secure adequate examinations owing to this shortage; and

Whereas, to reduce further the tuberculosis death rate in the State, it is essential to find the cases of this infectious disease; therefore,

1. Be it enacted by the general assembly of Virginia, That a clinic unit of doctors and nurses shall be added to the existing organization for the tuberculosis education and that there is hereby appropriated to the State board of health out of any money in the treasury not otherwise appropriated, for the year ending February twenty-eight, nineteen hundred and twenty-three, the sum of fifteen thousand dollars, and for the year ending February twenty-ninth, nineteen hundred and twenty-four, the sum of fifteen thousand dollars, the said sums to be used by the State board of health for the organization of such clinical unit, and the printing of placards, pamphlets and other regular publications.

CHAP. 248.—An ACT to amend and re-enact section 672 of the Code of Virginia.

[H B 327]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section six hundred and seventy-two of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 672. Condemnation of land for school houses.—If, in the judgment of the district school board, the public interests demand that a school house be located on a particular spot, or when a school house is already located upon land purchased or acquired for such purposes and more land is needed for school purposes, and no equitable arrangements for its purchase prove to be practicable, the board of trustees shall be authorized, and it shall be its duty, to cause the desired parcel of land to be surveyed by the county or other competent surveyor, and a plat of the same to be filed, together with a general statement of the case, with the clerk of the circuit court; and thereupon, on application of the district school board, the same proceedings shall be had as are prescribed by the laws relating to the exercise of the right of eminent domain; but no parcel of land thus condemned shall exceed one acre in a town or five acres in the country. No dwelling, yard, garden, or orchard shall be invaded. nor in an unincorporated town any space within one hundred feet of a dwelling, nor in the country any space within two hundred yards of a mansion house, without the consent of the owner, provided, however, that where a school is already located on land acquired or purchased for that purpose, and when additional land is needed for school purposes, same may be taken under the provisions of this section, although the land to be so taken may be within one hundred feet of a dwelling in an unincorporated town or within two hundred yards of a mansion house in the country, where the land to be so taken is not any nearer such dwelling or mansion house than any portion of the land already acquired or purchased upon which a school has been already located.

2. An emergency existing, this act shall be in force from its passage.

# Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section three of an act of the general assembly of Virginia, approved March twenty-fourth, nineteen hundred and twenty, entitled an act to provide a new charter for the town of Narrows and to repeal all other acts and parts of acts in conflict with the provisions of this act, be amended and re-enacted so as to read as follows:

CHAP. 249.—An ACT to amend and re-enact section 3 of an act of the general assembly of Virginia, approved March 24, 1920, entitled an act to provide a new charter for the town of Narrows and to repeal all other acts or parts of acts in conflict with the provisions of this act, so as to provide that said town may have a police justice.

[H B 513]

- Sec. 3. The town shall have a sergeant, clerk, treasurer, and such other officers as the council may deem nesessary or proper, all of whom shall be elected or appointed by the council, and the council shall prescribe their duties, in addition to the duties required of them by law; fix their compensation; prescribe penalties for neglect or violation of their duties; and determine which of them shall give bond and fix the penalties thereof. The said town shall also have a police justice who shall be a qualified voter in the town and shall be elected by the qualified voters at the same time members of the town council are elected and whose term of office shall be the same as that of members of said council. The said police justice shall, before entering upon the discharge of his duties, qualify in the same manner as justices of the peace are required by law to qualify. He shall be clothed with all the powers and authority of a justice of the peace in all criminal matters within the corporate limits of said town and for one mile beyond the same, and shall have concurrent jurisdiction with, and like power and authority as the mayor, in the trial of all prosecutions, cases and controversies growing out of violations of the by-laws and ordinances of said town.
  - 2. An emergency existing, this act shall be in force from its passage.

CHAP. 250.—An ACT to authorize the board of supervisors of Culpeper county to enact special and local legislation for the protection of the public roads, ways and bridges of the said county. [H B 506]

# Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Culpeper county shall have the power to enact such special and local legislation, not in conflict with the Constitution of Virginia, as it may deem expedient, to protect the public roads, ways and bridges of the said county from encroachment or obstruction, or from any improper or exceptionally injurious use thereof, and this power shall extend to, and may be exercised over, all roads in said county outside of the roads of the State highway system which are now or may hereafter be included therein.
- 2. Any violation of any such enactment shall be deemed a misdemeanor and shall be punished by a fine of not less than five dollars nor more than one hundred dollars.
- 3. An emergency existing, this act shall be in force from its passage.

Chap. 251.—An ACT authorizing the board of supervisors of Carroll county to make an appropriation of \$2,000.00 to be applied to the construction of a bridge at Harrison Farris ford in Pulaski county. [H B 502]

#### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Carroll county is hereby authorized to make

an appropriation of not exceeding two thousand dollars to be used in the construction of a bridge at Harrison Farris ford in Pulaski county.

2. An emergency existing, this act shall be in force from its passage.

CHAP. 252.—An ACT to amend and re-enact section 2136 of the Code of Virginia.

[H B 189]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-one hundred and thirty-six of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 2136. Owner parting with machine; purchase of another; unlawful use of number plate or certificate and license.—Should the owner part with the machine during the year for which the certificate of registration and license were issued, he shall immediately notify the secretary of the Commonwealth of such sale, and return to him the certificate and license. Should the owner disposing of his machine aforesaid, purchase another during that year, the secretary of the Commonwealth shall transfer the old number to the new machine and issue a new certificate and license for the new machine on the payment of a fee of one dollar, provided the new machine require no greater license fee than that paid for the old machine, but should the new machine require a greater license fee than that paid for the old license, the secretary of the Commonwealth is authorized to make the transfer on the payment of the difference between the license paid and that required for the new machine. Should the owner, disposing of his machine, desire the license transferred to the purchaser, the secretary of the Commonwealth is authorized to make the same on a receipt of a request in writing from the person in whose name the license was issued and the fee for such transfer shall be one dollar. It shall be unlawful for any person to use a certificate or license on a machine for which it was not issued when the person in possession is the bona fide owner of such car. No prosecution shall be instituted under this section until five days shall have elapsed from the time the owner has parted with the machine, and should a prosecution be instituted after such five days it shall be deemed a sufficient compliance with the section if application for transfer of license has been made within five days from the time the owner has parted with the machine.

odr 1

\*, in.

. 4

J16

CHAP. 253.—An ACT requiring that every person, firm, company, or corporation who exhibits performances in a dog show, pony show, side show, trained animal show, carnival, circus, menagerie and circus, or a moving picture show, or any other show, exhibition or performance similar thereto, within one mile of the corporate limits of the town of Coeburn, Virginia, shall procure from the said town such license as would be required if said show were exhibited within the corporate limits of the said town. [H B 519]

## Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That every person, firm, company or corporation who exhibits performances in a dog show, pony show, side show, trained animal show, carnival, circus, menagerie and circus, or a moving picture show, or any other show, exhibition or performance similar thereto, within one mile of the corporate limits of the town of Coeburn, Virginia, shall procure from said town such license as would be required if said show were Minth exhibited within the corporate limits of the said town.

Provided that any such shows exhibiting within the corporate limits of Bondtown, Virginia, shall not be required to pay license

tax to the town of Coeburn.

2. An emergency existing, this act shall be in force from its passage.

CHAP. 254.—An ACT authorizing the town council of the town of Eastville in Northampton county to borrow not exceeding \$15,000, and to issue bonds therefor, for the purpose of grading, draining, paving and otherwise improving the streets in the said town.

## Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That the town council of the town of Eastville, in Northampton county, Virginia, be, and is hereby, authorized and empowered to borrow not to exceed the sum of fifteen thousand dollars and to issue bonds specific therefor, for the purpose of grading, draining, paving and otherwise

add improving the streets in said town.

The said bonds may be either coupon or registered in such denomination as the said council may prescribe, and shall bear interest at a rate of not exceeding six per centum per annum. The principal of said bonds shall be payable in twenty years from their date, or at such other time or times as the said council may provide. The said bonds shall be signed by the mayor of said town and countersigned by the clerk, and shall be negotiated or sold in such manner as may be prescribed by the town council, provided they shall not be so sold or negotiated for less than their par value, and the same shall not be issued until the question of whether or not the said bonds shall be so issued and sold for the purposes named shall first be submitted to the qualified voters of the town of Eastville, at an election to be called, at any time within one year from the passage of this act, by the said council by proper ordinance, which election shall, in all respects, be conducted under the general

law governing special elections; provided further, that the ordinance calling said special election shall recite the total amount of bonds proposed to be issued, and the rate of interest to be paid. If, at the election to be so called, a majority of the qualified voters voting favor the issue and sale of such bonds as proposed in said ordinance, then, the council shall proceed to issue and sell the same as herein provided.

- 3. The amounts necessary to pay the interest on the said bonds and to provide a sinking fund with which to pay the principal when it becomes due, shall be taken out of the regular town levy, as already provided by law, providing for making the levy and collecting the same in said town.
- 4. An emergency existing, this act shall be in force from its passage.

CHAP. 255.—An ACT to authorize and empower the town of Orange to borrow not exceeding fifteen thousand dollars to be used for street improvement purposes, and to issue bonds therefor; and if such bonds be issued, to provide for the payment of the interest thereon and the principal thereof at maturity.

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That the town of Orange, Virginia, be authorized and empowered to borrow money not to exceed the sum of fifteen thousand dollars (\$15,000.00), the proceeds of such loan to be used for street improvement in said town. The said town may issue bonds, not to exceed the sum of fifteen thousand dollars (\$15,000.00) to bear interest not to exceed six per cent per annum, payable semi-annually, with interest coupons attached thereto, and the principal thereof to be paid twenty-five years after the date thereof, but, at the option of the said town, may be paid after five years from the date thereof. Said bonds to be a lien upon all of the real estate of the said town of Orange. The said real estate shall be pledged for the principal and interest of the said bonds as therein set forth and as shown by interest coupons thereto attached.

The said bonds shall be in denominations of one hundred dollars (\$100.00) and, in making sale of same in accordance with the provisions of this act, such bonds shall in no event be sold at less than par value thereof.

And the said town of Orange shall provide for the payment of accruing interest on said bonds, or so many thereof as may be issued and sold and also for the payment of the principal of said bonds by creating each year a sinking fund for such purpose.

The said bonds, or any one or more of the same, may be issued and sold by the said town of Orange only for the purposes herein set forth.

2. The necessity for raising money for the purposes of aforesaid street improvement in said town creates an emergency and this act shall be in force from its passage.

CHAP. 256.—An ACT to amend and re-enact section 6 of an act entitled an act to provide a charter incorporating the town of Eastville, in Northampton county, approved February 6, 1896, as heretofore amended. [H B 524]

## Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That section six of an act entitled an act to provide a charter incorporating the town of Eastville, in Northampton county, approved February sixth, eighteen hundred and ninety-six, as heretofore amended, be amended and re-enacted so as to read as follows:
- 6. For the purposes of this incorporation the council of said town may levy annually such taxes, not in conflict with general laws, as they may deem proper on all property, real and personal, within the said town, not exceeding seventy-five cents on the one hundred dollars assessed value as per State assessment; to impose a specific license on all shows, performances and exhibitions that may be given, all persons, firms or corporations who may engage in the sale of wines, ardent spirits, malt liquors, alcoholic bitters and mixtures thereof, either by wholesale, retail, or to be drunk where sold. The said council shall have the power to impose a license tax on all business on which the State imposes license, excepting, however, such business as cities and towns are forbidden by general laws to impose license taxes upon, or which is provided for by law, and its officers shall have such power to collect such taxes as the State officers have in like cases; and the said council shall have the power to impose a specific tax for the sale of merchandise or any article that may be offered for sale by any person not living in said town, and also to levy a capitation tax not exceeding fifty cents on each adult person resident of said town.
- 2. An emergency existing, this act shall be in force from its passage.

CHAP. 257.—An ACT to regulate motion picture films and reels; providing a system of examination, approval and regulation thereof, and of the banners, posters and other like advertising matter used in connection therewith; creating the board of censors; and providing penalties for the violation of this act.

[H B 346]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to exhibit, or to sell, lease or lend for exhibition at any place of amusement for pay or in connection with any business in the State of Virginia, any motion picture film or reel, unless there is at the time in full force and effect a valid license or permit therefor of the Virginia State board of censors, hereinafter called the board, and unless such film or reel shall contain for exhibition upon the screen identification matter in the substance, style and length which the board shall prescribe.

2. The board shall consist of three residents and citizens of the State of Virginia, well qualified by education and experience to act

as censors under this act. One member of the board shall be chairman, and another shall be vice-chairman and secretary. They shall be appointed by the governor, subject to the confirmation of the Senate, for terms of four years. Those first appointed under this act shall be appointed for terms of two, three and four years, respectively; the respective terms to be designated by the governor.

Sec. 2½. Each member of said board shall, before assuming the duties of his office, take and subscribe the oath prescribed by the Constitution of the State of Virginia, and shall enter into a bond, with security to be approved by the judge of the circuit court of the city of Richmond, to the State, in the sum of ten thousand dollars, conditioned for the faithful performance of all his duties under this act, the cost of said bonds to be paid out of the fund created by this act.

3. A vacancy in the membership of the board shall be filled for the unexpired term by the governor. In case only two members of said board are acting or are in attendance, and they disagree as to approval of any such films or reels, they shall call in the superintendent of public instruction, who shall view the film or reel and cast the deciding vote as to approval or disapproval of the said film

or reel.

4. The commission shall cause to be promptly examined every motion picture film submitted to it as herein required, and unless such film or a part thereof is obscene, indecent, immoral, inhuman, or is of such a character that its exhibition would tend to corrupt morals or incite to crime, shall issue a license therefor. If the board shall not license any film submitted, it shall furnish to the applicant therefor a written report of the reasons for its refusal and a description of each rejected part of a film not rejected in toto.

5. (a) Used films.—The board shall, without inspecting it, issue for any motion picture film which has been publicly exhibited in the State of Virginia prior to August first, nineteen hundred and twenty-two, a permit, only if and when application therefor as herein provided shall be made within thirty days after this act goes into effect. The fee for each permit shall be at the rate of fifty cents for each film of one thousand feet or less and for each one thousand feet or

less in excess thereof, whether original or duplicate copy.

(b) "Current event" films.—The board may at any time issue a permit for any film portraying current events and not otherwise

prohibited by law, without inspection thereof.

(c) Scientific and educational films.—The board shall issue a permit for every motion picture film of a strictly scientific character intended for use by the learned professions, without examination thereof, provided that the owner thereof, either personally or by his duly authorized attorney or representative, shall file the prescribed application which shall include a sworn description of the film and a statement that the film is not to be exhibited at any private or public place of amusement.



The board may, in its discreition, without examination thereof, issue a permit for any motion picture film intended solely for educational, charitable or religious purposes, or by any employer for the instruction or welfare of his employees, provided that the owner thereof either personally or by his duly authorized attorney or representative, shall file the prescribed application, which shall include a sworn description of the film.

No fee shall be charged for any such permit.

- 6. Any permit issued as herein provided may be revoked by the board five days after notice in writing is mailed to the applicant at the address named in the application. Thereafter, any such film may be submitted to the board only in the manner provided for license.
- 7. The board shall collect from each applicant for a license or permit, except as otherwise expressly provided in this act, a fee of one dollar each one thousand feet or fraction thereof of original film and fifty cents for each additional copy thereof licensed or permitted by the board; all such fees shall be paid by the board into the treasury of the State, to be kept in a separate fund and paid out on vouchers approved by the board, which fund shall be expended only to pay the costs and expenses of said board including the salaries of the members thereof at two thousand and four hundred (\$2,400.00) dollars per annum each.
- 8. No license or permit shall be issued for any film unless and until application therefor shall be made in writing in the form, manner and substance prescribed by the board, and accompanied by the required fee. Such application shall immediately be given a serial number which shall by the producer, owner or applicant be made a permanent part of the principal title portion of the corresponding film and every copy thereof for which the permit or license is applied, in such style and substance as the board shall prescribe.
- 9. The board shall provide all necessary help, equipment and adequate offices and rooms in which to properly conduct the work and affairs of the board in the city of Richmond and the State of Virginia.

10. All fines imposed for violation of this act shall be paid into

the State treasury to the credit of the literary fund.

11. If any elimination or disapproval of a film or reel is ordered by the board, the applicant submitting such film or reel for examination shall receive immediate notice of such elimination or disapproval, and if appealed from, such film, reel or view shall be promptly re-examined, in the presence of such applicant by all members of the board, and the same finally approved or disapproved promptly after such re-examination, with the right of appeal from the decision of the board to the circuit court of Richmond city.

12. Any license or permit issued upon a false or misleading affidavit or application shall be wholly void ab initio. Any change or alteration in a film after license or permit, except the elimination of a part or except upon written direction of the board, shall be a violation of this act and shall also make immediately void the license or permit therefor.

A conviction for a crime committed by the exhibition or unlawful possession of any film in the State of Virginia shall per se revoke any outstanding license or permit for said film and the board shall cause notice thereof to be sent to the applicant or applicants.

- 13. No person or corporation shall exhibit or offer to another for exhibition purposes any poster, banner or other similar advertising matter in connection with any motion picture film, which poster, banner or matter is obscene, indecent, immoral, inhuman, sacreligious or of such a character that its exhibition would tend to corrupt morals or incite to crime. If such poster, banner or similar advertising matter is so exhibited or offered to another for exhibition it shall be sufficient ground for the revocation of any permit or license issued by the board.
- 14. The board shall have authority to enforce the provisions and purposes of this act; but this shall not be construed to relieve any State or local peace officer in the State from the duty otherwise imposed of detecting and prosecuting violations of the laws of the State of Virginia. In carrying out and enforcing the purposes of this act, the board may make all needful rules and regulations not inconsistent with the laws of the State of Virginia.
- 15. The board shall, on or before the fifteenth day of January in each year, make a detailed report to the governor, copies of which shall be distributed as are other similar reports. The report shall show:
- (a) A record of its meetings and a summary of its proceedings during the year.
  - (b) The results of all examinations of films.
  - (c) A detailed statement of all prosecutions hereunder.
- (d) A detailed statement of all receipts and disbursements made by or in behalf of the board.
  - (e) Other information requested by the governor.

(f) A discussion of the work done by the board, and any recommendations by the board of legislative amendments to this act and recommendations as to the educational and recreational uses of motion pictures and as to those especially suitable for children.

16. Any person, firm or corporation who violates any of the provisions of this act on conviction thereof before any magistrate or justice of the peace, shall be sentenced to pay a fine of not less than twenty-five dollars, nor more than fifty dollars for the first offense. For any subsequent offense the fine shall not be less than fifty dollars, nor more than one hundred dollars. Every day's exhibition of a film or reel, or of any banner, poster or other like advertising matter used in connection therewith, shall constitute a separate offense.

17. The several sections and provisions of this act are hereby declared to be independent of each other; and it is the legislative intent that, if any of the said sections or provisions are declared to

be unconstitution, such sections or provisions shall not affect any other portion of this act.

18. This act shall take effect August first, nineteen hundred and

CHAP. 258.—An ACT to authorize the board of supervisors of Botetourt county to construct the uncompleted portion of the Eagle Rock to Fincastle permanent road in Botetourt county, and to provide for issuing warrants on levies for not exceeding fifteen years in the Fincastle magisterial district to pay the expenses thereof. [H B 470]

## Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Botetourt county is hereby authorized and empowered to construct that uncompleted portion of the Eagle Rock to Fincastle permanent road, on such location as may be determined upon by the board of supervisors of Botetourt county and approved by the State highway commission, said road to be constructed and completed up to Main street in the town of Fincastle at the court house, constructing said road on what is known as Roanoke street, in the corporate limits of the said town of Fincastle, and said road is to be built of such material and by such specifications as may be acceptable to the highway commission.

2. That to meet the expense of acquiring the right of way for said road, and the construction thereof as aforesaid, the said board of supervisors is hereby authorized and empowered to issue and sell warrants on the treasurer of the said county, payable in annual payments not to exceed fifteen years, which warrants shall bear interest at a rate not exceeding six per centum per annum, payable annually until paid and the aggregate of all the warrants so issued under this act shall not exceed thirty thousand dollars, and shall not

be sold for less than their face value.

3. The said board of supervisors of the said county shall, in each of the said years for which said warrants are payable, in laying the levy, make a sufficient levy not in conflict with the general law on the property in the Fincastle magisterial district of said county, subject thereto, to raise sufficient amount to pay off the warrants, with all interest then due and payable on any and all of said warrants drawn under this act, payable in said years, in addition to current expenses assessable against the property in said district for said years; and out of said levies the said warrants and interest shall be paid by the treasurer of said county, and shall be credited to him in his settlement of said district road funds.

4. The enormous traffic on this road, and the necessity that this work proceed at once, is such that an emergency is hereby declared to exist, and this act shall be in force from its passage.



CHAP. 259.—An ACT to amend and re-enact sections 5, 6, 15, 18-b, 19-h, 19-i, 29, 30, 40, 43, 44, 65 and 78 of the charter of the city of Richmond, as the same may have been heretofore amended.

[H B 387]

#### Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That sections five, six, fifteen, eighteen-b, nineteen-h, nineteen-i, twenty-five, twenty-nine, thirty, forty, forty-three, forty-four, sixty-five and seventy-eight of the charter of the city of Richmond, as the same may have been heretofore amended, be and the same are hereby amended and re-enacted so as to read as follows:
- The mayor and members of the board of aldermen and of the common council of the city of Richmond shall be elected on the second Tuesday in June immediately preceding the expiration of the terms of office of their predecessors, and their terms of office shall begin on the first day of September succeeding; all other elective officers of the city of Richmond shall be elected on Tuesday after the first Monday in November, and their terms of office shall begin on the first day of January succeeding, except the terms of office of the clerks of the corporation courts of the city of Richmond shall begin coincidently with those of the judges of their said courts. In the event of the adoption of any resolution or ordinance of the council or acts of the general assembly of Virginia heretofore or hereafter passed, changing the boundary of any ward or wards. or establishing a new ward out of the territory of another ward or wards, by reason of which any member of either branch of the city council, any magistrate, or any other city officer, who is required to reside in the ward from which he is elected, becomes a resident of a new ward or some other ward than that from which he was elected, then, in that event, such officer shall continue in office to the end of the full term for which he was elected, just as if there had been no change in the wards of the city. The terms of office of all officers whose residence is not changed by the creation of a new ward or change of the boundaries of the old wards shall not be affected, but such term shall continue, expire and be filled as if there had been no creation of new wards or change of boundaries of old wards.
- 6. In case of vacancies arising in any office elective by the people, whose election is provided for by this charter, when a general election will occur before the expiration of term of such office, at which an election can be legally held for the purpose, it shall be the duty of the mayor, upon the happening of any such vacancy or vacancies, forthwith to certify the fact of such vacancy or vacancies to the judge of the hustings court, who shall issue his writ requiring an election, to fill such vacancy or vacancies, to be held at such general election in the manner prescribed in the general election laws of the State; provided, however, that until such vacancy is filled by an election, as hereinbefore prescribed, the council of the city of Richmond shall elect a qualified person to fill such vacancy, except that if the vacancy occurs in the office of clerk of a court, it

shall be filled by the court—or if in the office of sheriff by the circuit court of the city of Richmond, and if in the office of attorney for the Commonwealth or city sergeant, by the hustings court of the city of Richmond, or in any of such excepted cases, by the judge of the designated court in vacation. The person so elected by the council to fill such vacancy or so appointed by a court or the judge thereof, shall qualify in the mode prescribed by law and shall continue in office until his successor is elected and qualified.

When any vacancy shall occur in either branch by death, resignation, removal from the ward, failure to qualify, or from any other cause, the branch in which said vacancy occurs shall elect a qualified person to supply the vacancy for the unexpired term. Upon the formation of a new ward, either by resolution of the council or by act of the general assembly of Virginia, the members elected to represent such new ward in the board of aldermen shall be divided into two classes, to be numbered by lot upon the assembling of the board of aldermen at its first meeting after the first day of September next succeeding the election of such members. One of said members shall be of the first class, and two of said members shall be of the second class. The term of service of the members of the first class shall expire with that of the members of the common council elected at the first election after the creation of the new ward, and the terms of service of the members of the second class shall expire with that of the members of the common council elected at the next succeeding election thereafter. The successors of such members of the first and second class shall be elected for the full term of four years at the election for members of the council next. preceding the expiration of the terms of such members respectively and the alternation thus established shall continue.

18-b. There shall be one city clerk appointed by the city council who shall be ex-officio clerk of each branch of the city council and shall hold his office for the period of two years, and until his successor shall be appointed and qualified, unless sooner removed from office by the city council. He shall have the custody of the corporate seal.

19-h. To construct and maintain or authorize the construction or maintenance of bridges, and viaducts over James river or other stream or creek, or over any ravine, where any portion thereof is within the city limits, and to construct and maintain, or authorize the construction and maintenance of, subways, vaults, areas, or cellars under the streets or other places, or elsewhere within the limits of the city, and charge and collect compensation for use of same, and to prevent injury to or obstruction of the streets, alleys, or other public places or property of the city, and may charge tolls for the use of any such bridge or viaduct by the public, and require compensation for the use thereof by transmission or transportation companies, unless and to the extent that the right to charge such compensation shall be restricted or prevented by any contract heretofore or hereafter made with any of such companies.

19-i. To authorize the laying down of railway tracks in the streets of the city and the running of cars thereon, under such conditions and regulations as they may prescribe, and also, from time to time, to prescribe additional conditions and regulations as to the construction, reconstruction, repair, and maintenance of the tracks, roadbed, and cars, and the running of cars on such tracks. The city council may take, under any contract heretofore made, hold, maintain and operate any street railway and fixture thereto belonging, lying within the city, and the lots and buildings and appurtenances owned by such company, and the equipment thereof, and maintain and operate the same for the carriage of passengers or freight, for hire or reward, or, when so taken, the council may grant the same to be operated by some other person; and, in order to meet the expenses of such acquisition, may issue bonds, to be known as "city railway bonds," and secure the same upon the roadbed, tracks, rolling stock, and earnings of such street railway. The city council may likewise construct sewers, culverts, or drains under the streets, alleys or other public places in the city and may compel the use thereof, and may cause to be assessed upon the real estate benefited thereby the expense of such construction to the extent of the peculiar benefits resulting therefrom to such abutting land owners. Or they may, in lieu of such assessment, assess and collect compensation for the use of such sewers, culverts or drains, and compel the payment of such compensation. And the city council may acquire, by condemnation or otherwise, any interest or right of any property holder in and to the use of any sewer, culvert or drain already constructed in the city, and when such right shall be so acquired, charge such person for the use of the same.

The council, or in cases provided for by general appropriations, the advisory board, may order public local improvements, the cost of which is to be apportioned between the city and abutting land owners, by a majority vote of all members elected to the council and to each branch thereof or of the advisory board, as the case may be, and whenever such an improvement shall be ordered making or improving the walkways upon then existing streets or improving and paving then existing alleys or for the construction of sewers by order of the council, the cost thereof shall be apportioned between the city and the abutting landowners benefited thereby, unless the council shall direct that the whole cost of the improvement be paid out of the public treasury. In all such cases it shall be the duty of the advisory board to ascertain and determine what proportion of such cost shall be borne by the abutting owners and what proportion thereof shall be borne by the city. The tax or assessment thus imposed shall not be in excess of the peculiar benefits resulting from the improvement to such abutting landowners but may in all cases equal such benefits; provided, however, that such cost may in any case be apportioned in pursuance of an agreement between the council or board and said landowners.

The advisory board, the city and the said abutting landowners

shall each have, respectively, all of the rights and duties especially as to notice and the service thereof, hearing, appeals and the acquisition of lines which are prescribed in sections thirty hundred and sixty-eight, thirty hundred and sixty-nine, thirty hundred and seventy and thirty hundred and seventy-one of the Code of Virginia or any amendments thereof, and all proceedings shall be in accordance therewith.

The heads of the several departments shall have the Section 29. exclusive control of the doing of all work necessary for their respective departments, and the purchasing of all supplies and materials therefor in accordance with the ordinances and resolutions of the council; provided, however, that no contract in excess of one thousand dollars, made for the purposes aforesaid, shall be effective until it shall have been approved by the advisory board, and then only after an ordinance or resolution making the appropriation therefor, unless an appropriation covering the same has already been made in the annual budget, except in cases of emergency, where great loss or damage to the city would ensue, and in such cases the head of the department in which such emergency exists shall file with the comptroller a certificate, showing the nature of such emergency and the necessity for the expenditure. All contracts for work or material shall only be let after due advertisement and bidding, where practicable, and the heads of the respective departments shall have the power to reject any and all bids, and order new bidding, or, in their discretion, let the contract without further bidding. And the advisory board is hereby required to make and promulgate rules and regulations as to the advertisement, bidding and letting to contract of work to be done and materials to be furnished for the city. The heads of the departments shall approve all bills against the city for work done for the city and for all materials furnished under any contract for the city which they are authorized to make, and no bill for such work or supplies shall be paid by the comptroller unless the same has been so approved and certified by the head of the department as correct; provided, however, that the council of the city of Richmond may at any time provide for the establishment of a storeroom and warehouse and the appointment of a purchasing agent to take charge of the same and to purchase and distribute all materials and supplies needed by the city or any of the departments thereof, and adopt rules and regulations concernig the same.

Section 30. It shall be the duty of the director of public works, when he deems it necessary so to do to recommend to the advisory board grades, or changes of grades in the streets, alleys and public places of the city, with profiles and plans showing the same, and thereupon the board, if they determine that there should be a change in the grade of such street, alley or public place, may ratify or confirm such proposed grades, or they may make such changes therein as they may deem necessary and then confirm the same, or they may reject the recommendation of the director of public works. Whenever the advisory board shall order any street, alley or public

place to be graded or the grade thereof to be changed and the new grade to be executed, if the improvement be such as may cause damage to the abutting land owners, it shall be the duty of the board, when the improvement is ordered to be made, to proceed by personal inspection of all the premises likely to be affected by such work to ascertain what damages, if any, will accrue to the owners of the several properties so likely to be affected. It shall then be the duty of the board, upon such ascertainment having been made, to give such notice and hearings and to proceed in such manner as may be prescribed by statute, and their determination, subject to such appeal as may be allowed by law, shall have the effect of a judgment.

Section 40. The comptroller shall annually submit to the mayor not later than January fifth of each year, a detailed report showing the aggregate income of the then fiscal year from all sources and of the estimated anticipated revenues of the city for the next ensuing fiscal year, together with a statement of the amount of liabilities outstanding upon which interest is to be paid and of all bonds and city debts payable during the next ensuing fiscal year, when due, and where payable, so that the mayor may fully understand the financial status and the money exigencies of the city for the succeeding financial year.

Section 43. There shall be appointed by the city comptroller one collector of city taxes for the city of Richmond, who shall hold his office during good behavior, subject, however, to be removed from office by the city comptroller. He shall give bond to the city of Richmond for the faithful discharge of the duties imposed upon him as such collector by the charter and ordinances of the city of Richmond, with sureties satisfactory to the city attorney, to the amount of not less than fifty thousand dollars, or in such larger amount as may be prescribed by the city council; said bond shall be filed with the city clerk and preserved and kept among the records of the council.

The collector shall appoint as many deputies or assistants as may be necessary, and shall maintain an office south of the James river, in the former territory of the city of Manchester, for the collection of all taxes and public dues of every kind, including water and gas bills, whether current or delinquent, assessed or due from the south side of James river and all bills and records in connection with such taxes and dues shall be kept at said office.

Provided, however, that notwithstanding the provisions of this section and the provisions of sections forty-four to fifty-one, inclusive, of this charter, in relation to the duties of the collector of city taxes, the city council may by an ordinance adopted by a recorded affirmative vote, of at least two-thirds of the members elected to each branch of the council, abolish the office of collector of city taxes and ordain that the city treasurer, duly elected or appointed in the manner prescribed by general law, shall be vested with all of the powers and discharge all of the duties prescribed by this charter and under the ordinances of the city of Richmond for the city col-

lector and the city treasurer may thereupon, appoint such number of deputies or assistants as may be necessary for the discharge of the duties imposed on him by the city charter and ordinances, with the approval of the city comptroller and of the advisory board of the city of Richmond, and may, with such approval, fix their wages or compensation. But in any such case, the treasurer shall maintain an office in the former territory of the city of Manchester, as provided in section forty-three of this charter and for the purposes therein set out. The compensation to be paid such treasurer for services to be rendered the city shall be fixed and determined by the city comptroller, with the approval of said advisory board. In the discharge of the duties imposed on him by the charter and ordinances of the city, the city treasurer shall be deemed a city officer in the department of finance of the city government, and subject to the authority over the officers of that department given to the city comptroller by this charter, and especially to the provisions of section thirty-eight thereof. In the event of his suspension or removal as such city officer, the council may by ordinance, transfer his duties and authorities to some other person pending the election or appointment of a new city treasurer. He shall give bond to the city of Richmond for the faithful discharge by himself and by his deputies of the duties imposed on him by the charter and ordinances of the said city, with sureties satisfactory to the city attorney, and in an amount of not less than fifty thousand dollars (\$50,000), or such larger amount as may be required by said comptroller, with the approval of said advisory board, which bond shall be filed with the city clerk and preserved and kept among the records of the council.

Section 44. The said collector shall receive all moneys belonging to the city and collect all assessments, levies and taxes, and shall keep his office in the city hall or other place as may be required by the council. He shall keep his books and accounts in such manner as the city comptroller may prescribe, and such books and accounts shall always be subject to the inspection of the mayor, comptroller and any member of the city council, or any officer, committee or com-

mittees thereof.

Section 65. All goods and chattels, wheresoever found, may be distrianed and sold for taxes assessed and due thereon and for taxes assessed against the owner thereof and no deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession, or shall not have been removed therefrom more than thirty days; nor shall any such deed prevent the goods and chattels conveyed from being distrained and sold for taxes assessed thereon, no matter in whose possession they may be found.

Section 78. The director of public works shall be the general superintendent and have general management and control of the streets, street cleaning and street repairing, and all culverts, cemeteries and public improvements. He shall make such surveys, re-

ports, drawings, plans, specifications and estimates needed in any department of the city government, when requested by the head of such department, and perform such other duties as the advisory board may require of him. All surveys or other acts which may be made or done by said director shall be as valid and effectual as if the same were done by the surveyor of a county, and any map or plan of the city, or a part thereof, now on file in his office, formerly known as the city engineer's office, or hereafter made and filed therein, made in pursuance of any ordinance of the city or statute of the State and specially the map approved by resolution of the council of June twenty-fourth, eighteen hundred and seventy-two (1872), on file in his office, formerly known as the city engineer's office, or a copy of such map, shall be prima facie evidence in the courts of the Commonwealth of the boundaries and lines of the streets, alleys and other public places of the city shown thereon. He shall keep his office in such place as the city council may direct, and shall keep therein all maps, drawings and papers pertaining to his office. All books and papers in his office shall be open at all times to the inspection of the mayor, the advisory board, to members of the city council, or to any officer, committee or committees

2. The public interest requiring that these amendments to the charter of the city of Richmond should be effective as soon as possible, an emergency exists and this act shall take effect from its passage.

CHAP. 260.—An ACT to create Arlington sanitary district; conferring certain powers and imposing certain duties on the board of supervisors of Arlington county; granting to said board the power of eminent domain; authorizing the issuance of bonds upon certain conditions; to provide for the construction, maintenance and operation of water supply, drainage, sewerage and refuse disposal systems; and to repeal an act entitled an act to create a sanitary district of Alexandria county; providing for water and sewerage districts, approved March 25, 1920, and all other acts and parts of acts inconsistent with the provisions of this act.

[H B 442]

# Approved March 15, 1922.

Section 1. Be it enacted by the general assembly of Virginia, That the territory now composing that subdivision of the Commonwealth of Virginia known as Arlington county be, and the same is hereby designated for the purpose hereinafter set forth as "Arlington sanitary district."

Section 2. For the purpose of carrying out the provisions of this act, said sanitary district shall be under the jurisdiction of the board of supervisors of Arlington county, hereinafter designated and referred to in this act as the board, with the power and authority to do any and all corporate acts necessary to carry out the provisions of this act. Said board shall appoint, discharge at pleasure, and fix the compensation of a chief engineer, and such engineering, legal, clerical and other force and help as, from time to time, in its judg-

ment may be deemed necessary to carry out the provisions of this act. Said board shall annually cause to be published in at least one newspaper in Arlington county, a full and true account of its receipts, expenses and expenditures. Prior to such publication, said accounts shall be fully audited by a certified public accountant, to be employed

and paid by said board.

Section 3. For the purpose of providing for the prosecution of its investigations and surveys, the preparation of necessary maps, plans, and specifications, and for the doing of all other things that may be required by this act, other than construction work, the board shall, from time to time, as in its judgment may appear necessary, expend out of the county fund an amount not exceeding ten thousand dollars annually to be provided for in the regular annual levy. Such levy shall be for the specific purposes of this act and shall be expended for no other purpose and any unexpended balance at the end of the year shall be set aside and used in succeeding years for the purposes of this act.

Section 4. The chief engineer shall present to the board on or before the first day of March, nineteen hundred and twenty-three and annually thereafter, a detailed report covering its activities for the previous calendar year and setting forth the best means of proceeding with the construction and operation of the water supply and sewerage systems proposed for the sanitary district and any other

matters within the jurisdiction of said board.

Section 5. Said board shall cause surveys, plans, specifications and estimates to be made for water supply, sewerage and drainage systems in any portion of the sanitary district in which, in its judgment, such systems or any of them, are necessary. Said board shall within sixty days after the passage of this act fix and determine the boundaries of all water and sewerage zones and districts in the county and to properly designate the same, in such a way as shall, in its judgment, best serve the needs of the various communities and shall promote convenience and economy of installation and operation. The boundaries of any water and sewerage district may at any time be changed upon petition to said board by property owners in the area affected prior to authorization of the issuance of bonds in said district.

Section 6. The board after fixing and designating the water and sewerage zones and districts as defined in section five, shall as authorized, from time to time, by the board have prepared by the commissioner of revenue of the county separate assessment books showing all real estate and improvements and all items subject to taxation under this act in each sewerage and water zone and district as defined in section five of this act and said books shall be permanently so kept and revised from time to time to show at all times for the purposes of any levies authorized under this act the taxable property of each person, firm or corporation.

Section 7. Whenever it shall be deemed necessary by said board to take or acquire any land, structures or buildings, or any stream

bed, waterway, water rights or watershed, either in fee or as an easement, within or without the sanitary district, for the constructing, renewing, extension or maintenance of any water mains, sewers or appurtenance thereof, or for any sewerage disposal plant, reservoir, water purification plant, tank or pumping station, said board may purchase the same from the owners, or failing to agree with the owner or owners thereof, may acquire the same by condemnation, and the proceedings in all such cases shall be according to the provisions of chapter one hundred and seventy-six, of the Code of Virginia, nineteen hundred and nineteen, so far as they can be applied to the same, and the said board may likewise condemn the interest of any tenants, lessees or other persons having an interest in said land, structures or buildings, stream bed, waterway, water rights or watershed.

Section 8. That all individuals, firms and corporations having buildings, conduits, pipes, tracks or other physical obstructions in, over or under the public roads, streets or alleys, within the sanitary district, which shall block or impede the progress of the board's water supply, sewerage or drainage system, while in process of construction and establishment, shall, upon reasonable notice from said board, promptly so shift, adjust, accommodate or remove the same, at their own cost and expense, as to fully meet the exigencies occasioning such notice; and should the exigencies of any case involve the taking, in the constitutional sense of the franchise or right in the exercise of which such construction had its origin, the board shall be empowered to condemn an easement in said franchise or right. Every public service corporation, company or individual, before it or they shall begin any underground construction in any street, road, alley or public highway within the sanitary district, shall file with the board a plan of such construction showing the location and depth of such street, road, alley or public highway of the proposed conduit or pipe, with specification for said work, which plans and specifications must be approved by the board before such construction is begun; and when approved no change shall be made in the physical location of anything shown upon said plan except upon the approval of said board, and said board shall have the right and authority to have said construction superintended to see that it conforms to said plans and specifications. Whenever any such underground main, conduit or pipe is put in without the filing of plans and specifications with the said board and the approval thereof, or when any change is made in the physical location of such underground main, conduit or pipe, as shown upon the plans approved by said board, or any approved change therein, the board may, when such conduit, main or pipe interferes with the construction or operation of its water and sewerage systems, remove the same or change the location thereof at the cost and expense of the party so putting them in, or its successors, and without any liability upon the part of the board for damage that might be done to the same by reason of the board's operations in construction or maintaining its systems.



Any violation of the provisions of this section shall be a misdemeanor

and punishable under section nine of this act.

Section 9. That every act or omission designated as a misdemeanor in this act, unless otherwise provided, shall be brought by warrant or indictment upon the oath or information of any member of said board or any employee thereof, and the offender shall, upon conviction, be subject to a fine not exceeding one hundred dollars or thirty days in the county jail, or both, in the discretion of the justice or jury trying the case. Where such act or omission is of a continuing nature and is persisted in in violation of the provisions of this act or any rule or regulation formulated thereunder, a conviction for one offense shall not be a bar to conviction for a continuation of such offense subsequent to the first or any succeeding conviction.

Section 10. The board shall have full power and authority to enter into any contracts or agreements with the commissioners of the District of Columbia or any other federal authority for the connection of its water supply, sewerage and drainage systems with those of the District of Columbia, for the purchase of water from the District of Columbia, and for the disposal of sewage and drainage from the sanitary district; and to enter into any agreement concerning any other matter necessary, advisable or expedient for the proper construction, maintenance and operation of the water supply, sewerage or drainage systems under its control or those under the control of the commissioners of the District of Columbia. Any contract or agreement so entered into shall have the full force and effect of a contract between the District of Columbia and the county of Arlington.

Section 11. That whenever the plans and specifications for water supply, sewerage or drainage systems for any zone or district shall have been completed and the issue of bonds authorized for the construction the board shall advertise by notice in such newspapers and technical press as it may deem proper, for bids for the construction of said system or systems, in parts or as a whole, as in its judgment may appear advisable. The contract shall be let to the lowest responsible bidder, or the board may reject any or all bids, and, if in its judgment the prices quoted are unreasonable, it may readvertise the work or any part of it or may do any part or all of the work by day labor; provided that any time the board may, in its discretion, expend by day labor for construction an amount not exceeding five thousand dollars without advertising or receiving bids. All such contracts shall be protected by such bonds, penalties and conditions as the board shall require, all of which shall be enforceable in any court having jurisdiction.

Section 12. For the purpose of providing funds for the design, construction, establishment, purchase or condemnation of the water supply, sewerage and drainage systems in the sanitary district, said board is authorized and empowered to issue bonds, from time to time, in such amounts as it may deem necessary to carry on its work; provided, however, that the issuance of said bonds under this act



shall be previously authorized by an election to be held as herein-

after provided.

Section 13. The circuit court of the county, upon the petition of a majority of the board, or upon petition of fifty qualified voters of any one or more water or sewerage districts or zones, which have been designated, as aforesaid, shall make an order requiring the judges of election, at the next election of county officers, or at any other time not less than thirty days from the date of such order, which shall be designated therein, to open a poll and take the sense of the qualified voters of the said water and sewerage district or districts, zone or zones, on the question whether the board shall issue bonds for the purposes set forth in said petition; a general description of the works proposed to be constructed to be named in the order. But no election shall be ordered until after the court has been assured by the said board that the amount of bonds proposed to be issued will be approximately sufficient to construct the public works set out in the order; the estimated cost of which is to be set out in the order of the court; for expenditure solely in the construction of said public works. The said order shall designate the water and sewerage district or districts, zone or zones, in which said public improvements are to be constructed and the maximum amount of bonds to be issued. The qualified voters at any election held under this act shall be all persons in said water and sewerage district or districts, zone or zones, qualified to vote at the last general election.

The regular election officers of said county in and for the precincts in which the water and sewerage district or districts, zone or zones, or a greater part thereof are located, at the time designated in the order authorizing the vote, shall open the polls at the regular voting places in said water and sewerage district or districts, zone or zones, and shall conduct such election and close the polls in such manner as is provided by law in other elections, and at such election, each qualified voter who shall approve such issue of bonds shall deposit a ballot on which shall be printed the words "for bond issue," and each qualified voter who shall oppose such issue shall deposit a ballot whereon shall be printed the words "against bond issue." The judges of election at the several voting places shall immediately after the closing of the polls count the ballots deposited, and shall make return thereof as is provided in other elections. Said ballots shall be printed and furnished by the regular election officers.

The commissioners of election of said county shall, within two days after the judges of election have made return of the poll books and ballots as aforesaid, meet at the office of the county clerk, and, having taken an oath before him faithfully to discharge their duties, canvass the returns and certify the results thereof to the circuit court.

If it shall appear by the report of the commissioners of election that a majority of the qualified voters of the water and sewerage district or districts, zone or zones, in which the public improvements are to be constructed, voting on the question, are in favor of issuing the bonds for the purposes aforesaid, the circuit court shall, at its next term, enter of record an order requiring the board to proceed at their next meeting to carry out the wishes of the voters as expressed at the said election.

Section 14. Whenever the sense of the qualified voters of any water and sewerage district or districts, zone or zones, shall be taken on the question, whether the board of said county shall issue bonds for the purpose aforesaid, the said election and returns shall be subject to the inquiry, determination and judgment of the circuit court of the county in which said election was held, upon the written complaint of fifteen or more of the qualified voters, of such county in the water or sewerage district or districts, zone or zones, in which the public improvements are to be constructed, of an undue election or of the false returns, two of whom shall take an oath that facts set forth in said complaint are true to the best of their knowledge and belief, and the court shall, in judging of such election and returns, proceed upon the merits thereof and determine concerning the same according to the Constitution and laws of this State, but such complaint shall not be valid unless it shall have been filed within thirty days after said election in the clerk's office of the said circuit court. The said board shall be made a defendant by summons or notice to its chairman of the filing of the complaint, and after such service of notice on the chairman of the said board either party, upon reasonable notice to the other, shall be at liberty to take depositions to sustain or invalidate such election. Service of notice on any three of the complainants shall be sufficient. The court shall proceed at its next term after such service of summons or notice to determine the contest without a jury on the evidence, oral or written, unless good cause be shown for the continuance and shall make a proper record of its judgment. If the judgment be that the election is a valid one in favor of the issuing of bonds for the public improvements in said water and sewerage district or districts, zone or zones. the court shall make an order in conformity with the preceding section.

The said board shall determine what amount of bonds for said public improvements in said water and sewerage district, zone or zones, not exceeding the maximum aforesaid, shall presently be issued, and shall enter of record the amount so determined, and, in event they do not at that time direct the present issuing of all the said bonds, they may thereafter, from time to time, direct the residue thereof to be issued to carry out the wishes of the voters, so far as necessary, as expressed in such election, and in event the board for any reason fails or refuses to issue the bonds so authorized to be issued, the circuit court of the county may upon the complaint of ten qualified voters of the water and sewerage district or districts, zone or zones, and after ten days notice to the chairman of the board, for cause shown, issue an order directing them to issue the said bonds or any unused residue thereof, or such portion thereof as the court may, from time to time, deem proper to be issued in



order to enable the proper authorities to carry out the wishes of the voters as expressed in said election.

Section 15. The board shall have power to appoint agent or agents to sell said bonds, if authorized, provided that said bonds shall be sold to be paid for in lawful money only, and shall not be sold at a price that will net the county less than par value. All bonds issued from time to time as authorized for water works construction shall be designated as "Water Bonds, Series 1, 2, 3, etc." All bonds issued from time to time as authorized for sewerage work shall be designated as "Sewer Bonds, Series A, B, C, etc." The receipts from all water bonds sold shall be expended solely for acquisition of land and rights, water works construction, engineering and superintendence, and all sewer bonds solely for acquisition of land and rights, sewer construction, engineering and superintendence. Separate detail accounts shall be kept by the treasurer of the county of all receipts and expenditures for sewerage work and water works and a statement of said receipts and expenditures published annually by the board in one or more newspapers published in Arlington county.

Section 16. When such sale of bonds has been authorized and negotiated the board shall issue the same. Such bonds may be either registered or coupon bonds, in such denomination or denominations as shall be determined by said board and shall be guaranteed as to payment of principal and interest by said board which guaranties shall be indorsed on each of said bonds in the following language: "The payment of interest when due and of the principal at maturity

is guaranteed by Arlington county, Virginia,"

Such bonds shall be signed by the chairman of the board of supervisors and countersigned by the clerk thereof under the seal of the board; shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually at the office of the treasurer of said county and shall be payable not exceeding fifty years from the date thereof at said office, but may in the discretion of said board, be made redeemable at such time or times after such period or periods and upon such notice as the said board may prescribe and stipulate upon the face of the bonds when issued. shall deliver them to the treasurer of the county who shall deliver said bonds to the purchasers thereof or their order, upon the payment of the price thereof. The said treasurer and his sureties shall be liable for the amount received for said bonds as though it were a county levy and said funds shall be expended for the purposes and in the water and sewerage district or zone for which it was intended and none other. The said treasurer shall receive as compensation for his services hereunder, one-fourth of one per centum of the amount thus coming into his hands, and also the reasonable cost to him of giving surety on such additional bond as may be required of him, if any, on account of his receipts of said funds, and the said board may direct the treasurer to deposit the proceeds of said bond issue in such bank or banks as it may approve, to the credit of said



treasurer, and at the rate of interest to be specified, to be paid out on his checks therefor and all interest accrued therefrom shall be accounted for by said treasurer and expended for the purposes of said public works, and in so far as not necessary for said public works, shall be covered into the sinking fund for the payment of the principal of said bonds.

Section 17. After issuing such bonds, or any of them, when the next levy is laid or tax imposed in said county, a tax shall be levied on all property liable to county or district tax in such water and sewerage districts or zones in which the proceeds of the bonds have been or are to be expended, to pay the interest on the bonds so issued, and to create a sinking fund to redeem the principal thereof at maturity; the amount levied and set apart as a sinking fund and the interest accruing thereon shall be used for the payment of the prin-

cipal of said bonds, and for no other purpose.

Should for any reason the county in any way have to assume any payment on account of said bond issue, either interest or principal, it is hereby provided that the board shall levy such tax in said water and sewerage districts or zones as may be necessary to defray the amount assumed by the county, it being intended that bonds to be issued under this act are county obligations, but payable primarily out of levies upon the property in the water and sewerage districts or zones where the proceeds of the bonds may be expended hereunder.

The board is hereby authorized and empowered to apply any part or all of said sinking fund to the payment or purchase of any of said bonds, at any time, and all bonds so paid off or purchased by said board shall be immediately cancelled, and shall not be re-issued, and the board is authorized and empowered to lend out, upon real estate security, the loan not to exceed seventy-five per centum of the assessed value of such real estate, or deposit in bank at interest all accumulations of money to the credit of said sinking fund, and to collect and reinvest the same and the interest accruing thereon from time to time, so often as may be necessary or expedient, until such time as such bonds become subject to call.

Section 18. When the said county wishes to redeem any of its outstanding bonds subject to call, issued under the provisions of this act, it may, through the chairman of the board of supervisors, give notice of its readiness to do so to the holder in person or by publication thereof once a week, for two successive weeks, in a newspaper published in said county. It shall be sufficient in the notice to give the designation number and amount of such bond and fix the day for its presentation and payment, which shall not be less than ten days from the date of personal service of notice, or the completion of the publication thereof, as the case may be. If the bond be not presented on the day fixed for its redemption, interest thereon shall cease from that date.

Section 19. The levy as laid or tax imposed as specified in section seventeen shall be distributed as follows:

(a) For the water pumping and filtration plant and supply works thereto by general levy over entire county;

(b) For the storage works such as reservoirs, tanks and standpipes and pumping mains thereto and main lines of distribution pipes therefrom by levy over the water zone served by said works;

(c) For sewage disposal works and main lines of trunk sewers by levy over the main sewage zone or watershed draining towards

said disposal works or lowest outlet of the trunk sewers;

(d) For service sewers and water pipes and house connections to property lines through the separate water and sewerage districts leading to and connecting with the trunk sewers or main water supply lines or to disposal works or local water supplies within said district by levy over the water and sewerage district or districts served.

Provided, however, no levy shall be laid or tax imposed for water system in any section of the sanitary district, the limits of which have perviously been definitely defined by said board, and in which previous to said levy a proper and sufficient water supply is being furnished by a public service corporation; unless said water works system is purchased or condemned by said board as a part of its system as provided in section twenty-four of this act, and in which event the levy shall be laid as provided in sections seventeen and nineteen.

Section 20. Said board shall provide for each and every property abutting upon a street or right of way in which, under this act, a water main or sanitary sewer is laid, a water service pipe or sewer connection which shall be extended, as required, from the water main or sewer to the property line of the abutting lot, said service pipe or connection to be constructed by, and at the sole expense of said board. When any sewer is declared by said board complete and ready for the reception of sewage, every abutting property owner, after notice, shall make connection of all toilets and waste drains with said sewer within a time prescribed by said board. Where the aforesaid fixtures do not exist, or are of a nature which, in the judgment of the board, is improper or inadequate, satisfactory equipment shall be installed by the abutting property owner within such time as the said board shall prescribe. All cesspools, sink drains and privies shall be abandoned and left in such a way that they cannot again be used nor injuriously affect the public health, said disposition to be determined by the board; and all wells that are found by the board to be polluted or a menace to health shall likewise be abandoned and closed. Any violation of the provisions of this section shall be a misdemeanor punishable under section nine of this act.

Section 21. Before any plumping, water works or sewer construction is done in any building, or upon any private property, within the sanitary district that connects with or forms a part of the permanent water or sewerage system of the sanitary district, the person, firm or corporation doing the same shall first obtain a permit from said board and pay therefor such reasonable sum as the board may prescribe. Such work shall be done under and pursuant to



such rules, regulations and requirements as the board may from time to time formulate, and subject to such inspection as may be deemed necessary. No connection of any kind shall be made with any water main or sewer, constructed or maintained by said board, without a permit and under conditions as said board may authorize. In order to prevent waste of water, said board shall have the right of entry at reasonable hours to all buildings or premises having any connection with the water supply or sewerage systems under its jurisdiction, and may order and require such changes as it may deem necessary to eliminate leakage, loss of water or unnecessary use of sewers. No private or semi-public water supply or sewerage installation intended for the use of two or more buildings or premises shall be constructed in said sanitary district without the person, firm or corporation doing the work having first obtained a permit from said board and paid a reasonable charge therefor, and such plant shall then be installed, maintained and operated under such rules and regulations as said board may require or devise. Any violation of any of the provisions of this section shall be a misdemeanor punishable under section nine of this act.

Section 22. That for every water and sewer connection, as provided under section twenty-one, said board shall make such charge as it shall determine to be reasonable, which charge shall be uniform throughout the sanitary district, subject, however, to revision annually by the board. Said charge shall be paid by all property owners at the office of the county treasurer before the actual connection with any pipe on private property is made; or any owner so desiring may so pay one-fourth of said charge, in which case the balance shall be paid in three equal annual installments, such deferred payments to bear interest at the rate of six per centum per annum and shall be a lien on the property with which the connection is made in the same manner and to the same extent as county taxes.

Section 23. For the purpose of providing funds for maintaining, repairing and operating its water supply, sewerage and drainage systems, including overhead expense and proper depreciation allowance, said board shall be empowered and directed to make such service rates as it may deem necessary chargeable against all properties having a connection with any water pipe or sewer under its ownership and any unexpended balance accumulated from such rates shall be applied toward defraying interest and sinking fund of said bonds. Said rates shall be uniform throughout the sanitary district, but subject to change from time to time, as necessary. The rates for water service shall consist of a minimum or ready to serve charge which shall be based upon the size of the meter on the water connection leading to the property, and of a charge for water used, which shall be based upon the amount of water passing the meter during the period between the last two readings, said meter being required to be placed on each water connection by and at the sole expense of the board. Bills for the amount of the charges as above specified shall be sent monthly, quarterly or semi-annually, as the board may determine, to each property served, and shall be thereon payable at the office of the county treasurer; and if any bill shall remain unpaid after thirty days from the date of sending, the board shall, after written notice, to be left upon the premises or mailed to the last known address of the owner, turn off the water from the property in question and it shall not be turned on again until said bill shall have been paid with the addition of two dollars and fifty cents. If any bill shall remain unpaid for sixty days after being sent by the board, it shall be collectible against the owner of the property served, in the same manner and to the same extent as county taxes.

Section 24. Whenever said board shall have extended its general water supply or sewerage system up to and is ready to connect with any municipally owned or privately owned water supply or sewerage system, or previously thereto if in its judgment such action is expedient, and it deems it advisable and proper for the adequate operation of the system under its jurisdiction to take over the said water or sewerage system, it may purchase the same upon such terms and conditions as may be agreed upon. In the event of failure to agree as to the purchase price or conditions of purchase of said water or sewerage system, whether privately or municipally owned, the said board may acquire the same by condemnation, in the same manner as it is authorized to acquire land by this act. the condemnation of privately owned water or sewerage systems the commission shall take into consideration as a part of their award any payment, contribution or tax paid by the respective lotowners or purchasers toward the construction of said systems, and where said system or systems have been built in connection with and for the purpose of developing home sites, subdivisions or villages by any individual, firm or corporation and such system or systems have been offered as an inducement for the purchase of lots or land therein, the commission may, in its discretion, deduct from the determined value of the plan or system such sum as it may reasonably determine was added to the purchase price of said land or lots in the sale thereof for the purpose of constructing said system. Privately owned systems shall be taken under said condemnation by said board free and clear of all debts and liens, but said board shall make a party defendant any person, firm or corporation having any record lien or incumbrance against the same, and the circuit court is hereby empowered and authorized to determine the respective amounts due the defendants, and from and after the payment into court or to the proper parties, said board shall be authorized at once to take possession of, maintain and operate said system, whether private or municipal, as a part of its general system, and from the date of such payment all properties along the line of any water main or sewer of the system so acquired shall stand in the same relation, and be subject to the same regulations and penalties, as though the system so acquired had been constructed and put into operation by the said board under the provisions of this act, provided, however, that no building or premises, actually connected in an adequate manner

with said acquired system at the time of its purchase, shall be required to pay the connection charge specified under section twenty-two. Wherever there is in existence a privately owned water supply or sewerage system which in the judgment of the board is unfit, as a whole or in part, for incorporation with the board's system, the board shall disregard the existence of said system or unfit part thereof and extend its system to serve the area tributary to the existing system or unfit part thereof, and all the provisions of this act relating to system construction by the board shall apply to said extension. Any municipality whose system is acquired by said board whether by purchase or condemnation is hereby authorized to use the amount paid to it for said system for the purchase or redemption of any bonds or debt which may be outstanding against the same; or the board may, as a part of the purchase price of said system, assume the payment of any such outstanding bonds.

Section 25. After the passage of this act, whenever a municipality or the property owners or residents of any locality in the sanitary district shall desire a water supply, sewerage or drainage system, or part thereof, to be constructed in that municipality or locality, such municipality or persons may build and operate said system at its or their own expense, but it shall be constructed under the plans and specifications prepared by said board and under its supervision, and its maintenance and operation shall be under the general supervisory control of the board, which engineering and supervisory service shall be rendered by the board free of charge; and no such system or part thereof, or no water main, sewer, storm water drain, water purification or sewerage disposal plant, or no connection with the above, shall be constructed or installed except as above provided, and any violation of this provision shall be a misdemeanor punishable under section nine of this act. All construction and operating records, including cost records, shall be filed with the board, which shall be empowered at any time to take over said system or part thereof, or said water main, sewer, storm water drain, water purification or sewage disposal plant, or connection with the above, in the same manner as provided under section twentyfour for systems existing at the time of the passage of this act. The board shall be empowered to extend its water supply, sewerage and drains into any area outside of the sanitary district contiguous thereto or in the vicinity thereof, whenever the property owners of said area shall agree to the conditions that may be imposed by said board.

Section 26. Said board may enter upon any State, county or municipal street, road or alley, or any public highway, for the purpose of installing, maintaining and operating the water supply, sewerage and drainage systems provided for under this act, and it may construct in any street, road or alley or public highway, a water main, sewer or drain, or any appurtenance thereof, without the receipt of a permit or the payment of a charge; provided that whenever any State, county or municipal highway is to be disturbed the public

authority having control thereof, shall be duly notified, and provided further that said highway shall be repaired and left by the board in the same, or a not inferior, condition to that existing before being torn up, and that all costs incident thereto shall be borne by the board.

Section 27. Any employee or agent of said board shall have the right of entry, at all reasonable hours, upon any private premises and into any building in the sanitary district, while in the pursuit of his official duties, and any restraint or hindrance offered to such entry by any owner or tenant, or agent of said owner or tenant, shall be a misdemeanor punishable under section nine of this act.

Section 28. The State corporation commission of Virginia is hereby given jurisdiction to determine upon appeal, the reasonableness of all rates and service charges as in the case of public service corporations, upon the written complaint of any one financially interested therein, under such regulations as said State corporation commission

may from time to time order and provide.

Section 29. An act entitled an act to create a sanitary district of Alexandria county; providing for water and sewerage districts, approved March 25, 1920, is hereby repealed, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed, to the extent of their inconsistency, provided that nothing herein contained shall be taken as restricting any control which the State board of health of Virginia is empowered to exercise within the sanitary district. No part of this act not declared to be unconstitutional shall be affected by a part of the same being held unconstitutional.

CHAP. 261.—An ACT to validate and authroize contracts upon the life of infants, under certain conditions, and, subject to certain provisos, to give a valid discharge of the contract or for any benefits available or money payable under the same and to create liens thereon. [S B 33]

### Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That in respect of insurance heretofore or hereafter effected, by any person not of the full age of twenty-one years but of the age of at least sixteen years, upon the life of such person, for the benefit of such person or for the benefit of any one or more of the ascending or descending kindred, spouse, brothers or sisters of such person, the insured shall not, by reason of infancy, be deemed incompetent to contract for such insurance, nor shall be permitted to recover any premiums paid thereon. Provided that if such infant shall reside with one or both parents, one of said parents shall have approved in writing the original application for such insurance; and further provided, however, that no promisory note or other evidence of debt, heretofore or hereafter given by such infant, in payment of any first year premium thereon shall be validated by this act; nor shall

the insured, by reason of infancy, be deemed incompetent, to give a valid discharge of the contract or for any benefits available or money payable under the same, nor to create liens thereon in favor of the company issuing the same on account of money borrowed or premiums, with interest thereon; provided, however, that such beneficiary or beneficiaries as are named in the contract and are at the time of said discharge or of the creation of said lien of the age of at least sixteen years shall unite in said discharge or in the instrument creating said lien.

CHAP. 262.—An ACT authorizing the town council of the town of Halifax in Halifax county to borrow not exceeding \$45,000, and to issue bonds therefor, for the purpose of improving streets in the said town; also authorizing the said council to levy a tax on the property in said town to pay the interest on and principal of said bonds.

[S B 430]

## Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That the town council of the town of Halifax in Halifax county, Virginia, be, and is hereby, authorized and empowered to borrow not to exceed the sum of forty-five thousand dollars, and to issue bonds therefor,

for the purpose of improving the streets in said town.

2. The said bonds may be either coupon or registered, in such denomination as the said council may prescribe, and shall bear interest at a rate of not exceeding six per centum per annum. The principal of said bonds shall be payable in thirty years from their date, or at such other time or times as the said council may provide. The said bonds shall be signed by the mayor of said town and countersigned by the clerk, and shall be negotiated or sold in such manner as may be prescribed by the town council, provided they shall not be so sold or negotiated for less than their par value.

3. The town council of the town of Halifax is hereby authorized and empowered to levy and collect such taxes on real estate and tangible personal property in the town of Halifax as the council of said town may determine, and a further tax at a rate not in conflict with the general laws of the State of Virginia, on all intangible personal property in the said town, as may be necessary to provide for the payment of the principal and interest of said

bonds.

4. An emergency existing, this act shall be in force from its passage.



CHAP. 263.—An ACT to permit the Virginia Railway and Power Company to grant free transportation over its car lines in the city of Richmond and suburbs to Confederate veterans in R. E. Lee Camp Soldiers' Home, and to relieve said company from any liability in connection with such transportation of said veterans, except in case of gross negligence. [S B 433]

#### Approved March 15, 1922.

Be it enacted by the general assembly of Virginia, as follows:

1. That the Virginia Railway and Power Company be, and the same is hereby, authorized to grant free transportation over all of its lines in the city of Richmond and the suburbs of said city to Confederate veterans in the R. E. Lee Camp Soldiers' Home.

2. That said Virginia Railway and Power Company is hereby relieved from any liability in connection with such transportation of such veterans, except in case of gross negligence on the part of the company or some employee, or employees, thereof.

CHAP. 264.—An ACT authorizing the board of supervisors of Nelson county to issue bonds, not exceeding in amount \$20,000, for the purpose of constructing roads and bridges in Lovingston magisterial district of said county.

[S B 417]

#### Approved March 15, 1922.

Be it enacted by the general assembly of Virginia, as follows: Section 1. The board of supervisors of Nelson county is hereby authorized and empowered to issue bonds of the said county, not exceeding twenty thousand dollars, the proceeds of which are to be expended for constructing the following roads and bridges:

(a) For paying said county's half of the expense of building a bridge over Tye river at New Market, at a cost to the county of

approximately ten thousand dollars.

(b) For building a bridge and the necessary road to the same across Tye river at Tye River depot, at a cost to the county of approximately five thousand dollars.

(c) For constructing a road from Will's Cove, near Freshwater, to the macadam road near C. N. Goodwin's, at a cost to the county

of approximately five thousand dollars.

Sec. 2. The said board is authorized to determine whether such bonds shall be coupon or registered, and when the same shall mature, and the rate of interest upon the same, not exceeding six per centum per annum. The bonds shall be in denominations of one thousand dollars, or any multiple thereof, and the interest on same shall be payable semi-annually.

Sec. 3. The said board shall have authority to levy a special tax on real estate and tangible personal property in Lovingston magisterial district at such rate as is not in excess of the rates allowed by law for road purposes in the aggregate, for the purpose of paying interest on said bonds and creating a sinking fund for their retirements.

ment at maturity, or sooner, in the discretion of the board.

Sec. 4. An emergency existing, this act shall be in force from its passage.

CHAP. 265.—An ACT to amend and re-enact sections 4145 and 4146 of the Code of Virginia. [S B 250]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That sections forty-one hundred and forty-five and forty-one hundred and forty-six of the Code of Virginia, be amended and re-enacted to read as follows:

Sec. 4145. How incorporated; general powers and duties; use of words "incorporated" or "corporation" in corporate name.—Trust companies formed for the purpose of doing a trust business in this State, or for the purpose of doing a trust business in addition to a general banking business in this State, may be incorporated according to chapter one hundred and forty-eight, and shall be subject to all the general duties and restrictions and shall have the general. powers provided in the statutes of this State regulating banks of discount and deposit and saving banks, or which may be hereafter provided by law, except as shall be otherwise provided in this chapter, but in its articles of incorporation, or in the case of an existing bank desiring to do a trust business, in its amendments to its articles of incorporation it shall state its intention to conduct a trust business. The word "incorporated" or the word "corporation" shall not hereafter be a necessary portion of the corporate name of any bank of discount and deposit, savings bank or trust company in this State, nor need the corporate name of any banks doing a trust business, hereafter contain the word "trust" or "trusts."

Sec. 4146. Minimum capital; amount to be paid before commencing business.—No trust company shall be incorporated with a less capital than fifty thousand dollars, which shall be fully paid up before commencing business. If the capital exceeds seventy-five thousand dollars, at least that amount shall be paid before commencing business.

CHAP. 266.—An ACT to amend and re-enact section 5995 of the Code of Virginia as amended by an act approved February 25, 1920. [S B 268]

## Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-nine hundred and ninety-five of the Code of Virginia, as amended by an act approved February twenty-fifth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Section 5995. No person competent to serve as juror at more than one term during the same year; in cities of fifty thousand population no person compelled to serve more than two weeks in any one year.—No person who has actually served as a petit juror at

any one term of a court shall be permitted to serve as a petit juror, or a juror in any criminal case, at any other term of that court during the same year, unless all the persons whose names are in the jury box have been drawn to serve during such year, but no exception to any such juror on this ground shall be allowed after he is sworn. If, however, exception be duly made, and such person is permitted to serve in contravention of this section, it shall of itself constitute reversible error. In cities having a population of fifty thousand or more, no person shall be compelled to serve as a grand or petit juror, or both, for more than two weeks in any one year, unless at the time of the expiration of the two weeks the juror be actually engaged in the trial of a case, but at the end of such case the juror shall upon request be discharged.

CHAP. 267.—An ACT to amend and re-enact section 675 of the Code of Virginia. [S B 92]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That section six hundred and seventy-five of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 675. Requirements as to halls, doors, stairways, height of stories, fire escapes.—All school houses for which plans and detailed statements shall be filed and approved by said division superintendent, shall have all halls, doors, stairways, seats, passage-ways, and aisles, and all lighting and heating appliances and apparatus, arranged to facilitate egress in cases of fire or accidents, and to afford the requisite and proper accommodations for public protection in such cases. All exit doors in any school house of two or more stories in height shall open outwardly. No staircase shall be constructed except with straight runs, changes in direction being made by platforms. No doors shall open immediately upon a flight of stairs, but a landing at least the width of the doors shall be provided between such stairs and such doorway. Every school house hereafter erected of two stories or more shall be equipped with an adequate number (to be determined by the division superintendent) of fire escapes.

CHAP. 268.—An ACT to authorize and validate the payment of small bank balances and small sums due from employers to next of kin of decedent. [S B 158]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That when the balance in any bank or trust company to the credit of a deceased person, upon whose estate there shall have been no qualification, shall not exceed three hundred dollars, and when there is due from any employer to a deceased employee, upon whose estate there has

been no qualification, a sum not exceeding three hundred dollars, it shall be lawful for such bank or trust company or employer, after one hundred and twenty days from the death of said person, to pay said balance to his next of kin, whose receipt therefor shall be a full discharge and acquittance to such bank or trust company to all persons whomsoever on account of such deposit.

- CHAP. 269.—An ACT to amend and re-enact section 1 of an act entitled an act extending the right of suffrage to women; assessing a State capitation tax on certain women residents of Virginia; and prescribing the qualifications of women entitled to vote for members of the general assembly and all officers elective by the people, and the manner in which women may register and vote; also providing when this act shall take effect, approved March 20, 1920.

  [S B 134]
- 1. Be it enacted by the general assembly of Virginia, That section one of an act entitled an act extending the right of suffrage to women; assessing a State capitation tax on certain women residents of Virginia; and prescribing the qualifications of women entitled to vote for members of the general assembly and all officers elective by the people, and the manner in which women may register and vote; also providing when this act shall take effect; approved March twentieth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:
- Sec. 1. In addition to the male persons who are or may be qualified under the Constitution and laws of the Commonwealth of Virginia to vote for members of the general assembly and all officers elective by the people, every female citizen of the United States, twenty-one years of age, who has been a resident of the State two years, of the county, city or town one year, and of the precinct in which she offers to vote thirty days next preceding the election in which she offers to vote, has been registered, and has paid her State poll taxes as hereinafter required, shall be entitled to vote for members of the general assembly and all officers elective by the people; but removal from one precinct to another in the same county, city or town shall not deprive any woman of her right to vote in the precinct from which she has moved, until the expiration of thirty days after such removal. For the purpose of registering and voting, the residence of a married woman shall not be controlled by the residence or domicile of her husband.

CHAP. 270.—An ACT to amend and re-enact section 1707 of the Code of Virginia.

[S B 167]

Approved March 15, 1922.

<sup>1.</sup> Be it enacted by the general assembly of Virginia, That section seventeen hundred and seven of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 1707. Qualifications of applicants.—The applicant who desires to practice professional nursing shall furnish satisfactory evidence that she or he is more than twenty-one years of age, is of good moral character, has received sufficient preliminary education as may be determined by the board, and has graduated from a training school of a hospital giving practice in medical, surgical, and obstetrical nursing, either through and under the hospital organizations, or by affiliation, and maintaining the standards required by the board, and where at least two years' training in the hospital and systematic courses of instruction are given, provided that the applicant shall have attended for at least eighteen months the said training school from which she graduated.

CHAP. 271.—An ACT to amend and re-enact section 79 of the Code of Virginia.

[S B 77]

Approved March 15, 1922.

Be it enacted by the general assembly of Virginia that section seventy-nine of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 79. Senatorial districts.—The State shall be divided into thirty-six districts entitled to senators as follows:

First. Accomac, Northampton and Princess Anne shall be entitled to one senator.

Second. Norfolk city shall be entitled to two senators.

Third. Norfolk county and Portsmouth shall be entitled to one senator.

Fourth. Amherst and Nelson shall be entitled to one senator.

Fifth. Nansemond, Suffolk, Southampton and Isle of Wight shall be entitled to one senator.

Sixth. Sussex, Surry, Prince George, Greensville, and the city of Hopewell shall be entitled to one senator.

Seventh. Mecklenburg and Brunswick shall be entitled to one senator.

Eighth. Dinwiddie and Petersburg shall be entitled to one senator.

Ninth. Amelia, Nottoway, Lunenburg, Prince Edward and Powhatan shall be entitled to one senator.

Tenth. Halifax shall be entitled to one senator.

Eleventh. Appomattox, Buckingham, Cumberland and Charlotte shall be entitled to one senator.

Twelfth. Campbell and Lynchburg shall be entitled to one senator.

Thirteenth. Pittsylvania, Danville, Henry and Patrick shall be entitled to two senators.

Fourteenth. Carroll and Grayson shall be entitled to one senator. Fifteenth. Washington, Bristol and Smyth shall be entitled to one senator.

Sixteenth. Scott and Lee shall be entitled to one senator.

Seventeenth. Wise and Dickenson shall be entitled to one senator. Eighteenth. Buchanan, Tazewell and Russell shall be entitled to one senator.

Nineteenth. Wythe, Bland, Giles and Pulaski shall be entitled to one senator.

Twentieth. Bath, Craig Botetourt, Alleghany and the city of Clifton Forge shall be entitled to one senator.

Twenty-first. Roanoke city and Roanoke county shall be entitled to one senator.

Twenty-second. Roanoke city, Roanoke county, Franklin, Floyd, Montgomery and Radford shall be entitled to one senator.

Twenty-third. Rockbridge, Buena Vista and Bedford shall be entitled to one senator.

Twenty-fourth. Augusta, Highland, and the city of Staunton shall be entitled to one senator.

Twenty-fifth. Rockingham, Harrisonburg, Page and Warren shall be entitled to one senator.

Twenty-sixth. Frederick, Winchester, Shenandoah, and Clarke shall be entitled to one senator.

Twenty-seventh. Albemarle, Charlottesville, Greene, and Fluvanna shall be entitled to one senator.

Twenty-eighth. Fredericksburg, Spotsylvania, Louisa, Orange and Stafford shall be entitled to one senator.

Twenty-ninth. Faquier, Loudoun, Culpeper and Rappahannock shall be tntitled to one senator.

Thirtieth. Fairfax, Arlington, Alexandria and Prince William shall be entitled to one senator.

Thirty-first. King George, Westmoreland, Northumberland, Lancaster and Richmond county shall be entitled to one senator.

Third-second. Caroline, King William, Hanover and Goochland shall be entitled to one senator.

Thirty-third. King and Queen, Middlesex, Gloucester, Mathews, York and Essex shall be entitled to one senator.

Thirty-fourth. Newport News, Elizabeth City and Warwick shall be entitled to one senator.

Thirty-fifth. Henrico, Chesterfield, New Kent, Charles City, James City and the city of Williamsburg shall be entitled to one senator.

Thirty-sixth. Richmond city shall be entitled to three senators.

CHAP. 272.—An ACT to amend and re-enact section 13 of an act entitled an act to incorporate the town of Wachapreague, in Accomac county, and to provide for taking the sense of the qualified voters of said town on the same, approved April 2, 1902. [S B 435]

## Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That section thirteen of an act entitled an act to incorporate the town of Wachapreague, in Accomac county, and to provide for taking the sense of the qualified voters of said town on the same, approved April second, nineeen hundred and two, be amended and re-enacted so as to read as follows:
- 13. To meet any expenditures that may be necessary and chargeable to said town for any purpose, the town council may, at such times as it may seem proper, levy a town levy of so much as, in its opinion, may be necessary upon all persons and property in said town not exempt from taxation by the laws of this State; provided that a capitation tax greater than one dollar per head on all male inhabitants of said town over the age of twenty-one years shall not be levied in any one year; and provided further, that the tax levies on all property shall not exceed one dollar of every hundred dollars of the assessed value of the property in the town in any one year; provided, however, that said council, by a two-thirds vote of the entire council, may exempt any real or personal estate used for taxes for a period of not exceeding five years at a time, if it shall deem it expedient to do so in order to encourage the establishment of any enterprise in said town. Provided, however, that nothing herein contained shall authorize the taxation of intangible personal property in excess of the rate provided by general law.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 273.—An ACT authorizing the board of supervisors of Halifax county to borrow not exceeding seventy-five thousand dollars and to issue notes therefor for the purpose of improving, constructing or reconstructing any section or sections of the State highway system within said county in accordance with the provisions of chapter 184 of the acts of assembly of 1920, and providing for the payment of the interest on and the principal of said notes.

[S B 434]

Approved March 15, 1922.

Be it enacted by the general assembly of Virginia as follows:

Sec. 1. The board of supervisors of Halifax county is hereby authorized and empowered to borrow a sum not exceeding seventy-five thousand dollars, and to issue notes therefor; said notes to be issued in such denominations as the said board may provide, and shall be payable at such time or times as the said board may prescribe, bearing interest at not exceeding six per centum per annum. The said notes shall not be sold for less than par.

Sec. 2. The notes authorized by this act shall be signed by the chairman of the board of supervisors and countersigned by the clerk

thereof, and the proceeds thereof shall be used by the said board for improving, constructing or reconstructing any section or sections of the State highway system within said county as the said board and the State highway commission may provide in accordance with the provisions of chapter one hundred and eighty-four of the acts of assembly of nineteen hundred and twenty.

Sec. 3. The interest on said notes shall be paid out of the county road fund, and the principal thereof shall be paid out of the funds paid by the State highway commission to Halifax county in accordance with the terms of the agreement between the said board and

the said commission.

Sec. 4. An emergency existing, this act shall be in force from its passage.

CHAP. 274.—An ACT authorizing the town council of the town of Wachapreague in Accomac county to borrow not exceeding \$10,000, and to issue bonds therefor, for the purpose of improving streets and sidewalks in the said town; also authorizing the said council to levy a tax on the property in said town to pay the interest on the principal of said bonds. [S B 436]

# Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That the town council of the town of Wachapreague in Accomac county, Virginia, be, and is hereby, authorized and empowered to borrow not to exceed the sum of ten thousand dollars, and to issue bonds therefor, for the purpose of improving the streets and sidewalks in said town.

The said bonds may be either coupon or registered, in such denomination as the said council may prescribe, and shall bear interest at a rate of not exceeding six per centum per annum. The principal of said bonds shall be payable in thirty-four years from their date, or at such other time or times as the said council may provide. The said bonds shall be signed by the mayor of said town and countersigned by the clerk, and shall be negotiated or sold in such manner as may be prescribed by the town council, provided they shall not be sold or negotiated for less than their par value, and the same shall not be issued until the question of whether or not the said bonds shall be so issued and sold for the purposes named shall first be submitted to the qualified voters of the town of Wachapreague, at an election to be called, at any time within one year from the passage of this act, by the said council by proper ordinance, which election shall, in all respects, be conducted under the general law governing special elections; provided, further, that the ordinance calling said special election shall recite the total amount of bonds proposed to be issued, and the rate of interest to be paid. If, at the election to be so called, a majority of the qualified voters voting favor the issue and sale of such bonds as proposed in said ordinance, then, the council shall proceed to issue and sell the same as herein provided.

3. The town council of the town of Wachapreague is hereby authorized and empowered to levy and collect such taxes on real estate and tangible personal property in the town of Wachapreague



as the council of said town may determine, and a further tax at a rate not in conflict with the general laws of the State of Virginia, on all intangible personal property in the said town, as may be necessary to provide for the payment of the principal and interest of said bonds.

4. An emergency existing, this act shall be in force from its passage.

CHAP. 275.—An ACT to provide how the school board of the Rose Hill district, No. 1, of Lee county, may issue bonds of the Rose Hill district not exceeding forty-five thousand dollars (\$45,000.00) for the purpose of paying off the indebtedness of said school district, and how the said bonds shall be issued and payable, and to provide that said bonds shall be a lien on all the school property of said district. And to provide how a levy to pay the interest and sinking fund on said bonds shall be laid by the board of supervisors of said county on the taxable property of said district, and to provide that the entire levy for all school purposes for said district, including levy for sinking fund, shall not exceed \$1.25 on the one hundred dollars' worth of taxable property as now provided for in sections 1 and 2, of chapter 398, of the acts of the general assembly, approved March 20, 1920. [H B 202]

#### Approved March 15, 1922.

Whereas, the Rose Hill district, number one, of Lee county has expended large sums of money in the building and equipping of the public school buildings in said district, incurring debts to meet said expenditures, which debts are now due; and

Whereas, the amount of taxes available from said district school levies is not sufficient to establish a sinking fund within a reasonable

time to meet said indebtedness; therefore,

1. Be it enacted by the general assembly of Virginia, That the school board of the Rose Hill district, number one, of the county of Lee, be authorized and empowered to issue bonds immediately and from time to time on the Rose Hill district, number one, of the county of Lee, not to exceed forty-five thousand dollars (\$45,000,00), for the purpose of paying off the indebtedness of the said Rose Hill district, number one, of Lee county, such bonds to be payable or redeemable at such time or times not to exceed thirty years from the date of issue and to bear interest at a rate not to exceed six per centum payable semi-annually, and to be of such denominations and to be either coupon or registered, as said school board of the Rose Hill district, number one, of the county of Lee, may determine, provided that such bonds shall not be sold at less than their par value. The said school property of the said Rose Hill district number one shall be pledged for the payment of the principal and interest thereof according to their tenor and date.

2. The board of supervisors of Lee county shall annually fix and order a special levy on all the property located in said Rose Hill district number one, of the county of Lee, subject to levy for such purpose, of such amount as will be sufficient to pay the interest on said bonds, and to create a sinking fund for the payment of the principal thereof at maturity; the said levy herein provided for shall



be in addition to the regular county and district school levies, but the aggregate of all levies for school purposes shall not exceed the rate of one dollar and twenty-five cents on every one hundred dollars of assessed value of said property, as provided for in sections one and two, of chapter three hundred and ninety-eight, of the acts of the general assembly of Virginia, approved March twentieth, nineteen hundred and twenty.

3. It appearing that public interest requires that the bond issue herein authorized by the act be carried out without delay, an emergency is hereby declared to exist, and the act shall be in force from its passage.

CHAP. 276.—An ACT to provide for the enumeration of the veterans, the wives and the widows of veterans of the Confederate army and navy, and to repeal an act entitled an act to provide for the enumeration of the veterans of the Confederate army and navy, approved March 20, 1920. [H B 456]

Approved March 15, 1922.

- 1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the commissioner (or commissioners) of the revenue of each county and city, annually at the time of taking the lists of property for taxation, to enumerate the living veterans and the wives and widows of the veterans of the Confederate army and navy in his county or city (or in those counties having more than one commissioner of the revenue, of their respective districts) obtaining their names, ages, post office addresses, the value of their real and personal property, their annual income, and when they were married. These statistics shall be forwarded by the commissioner of the revenue collecting them to the auditor of public accounts on or before July first of each year.
- 2. An act entitled an act to provide for the enumeration of the veterans of the Confedarate army and navy, approved March twentieth, nineteen hundred and twenty, is hereby repealed.

CHAP. 277.—An ACT to prohibit the sale of certain species of game fish in this State.

[H B 103]

Approved March 15, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to buy, sell, barter, or offer to buy, sell or barter any black bass, big-mouth bass, small-mouth bass, southern chub, or millpond bass, or California or rainbow trout, or brook or mountain trout, at any time in this State. Provided, that this act shall not apply to Back bay and its tributaries in Princess Anne county, but it shall, in order to sell such fish caught in the waters of said Back bay and its tributaries be necessary first to obtain from the commissioner of game and inland fisheries a permit in writing, for which there shall be no charge, and said commissioner is hereby given authority to prescribe reasonable rules and regulations concerning the handling of any such fish.



Violations of the provisions of this act shall be deemed a misdemeanor and punished by a fine of not less than five dollars for each fish offered for sale or bought, or bartered, or imprisonment in jail for a period not exceeding thirty days, or both, in the discretion of the court trying the case, provided, that no fine greater than fifty dollars shall be imposed in any one case.

2. All acts or parts of acts in conflict with this act are hereby

repealed.

CHAP. 278.—An ACT to limit the number of certain game fish that may be taken in any one day in this Commonwealth. [H B 104]

# Approved March 17, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to take, capture or kill, in any one day in this State, more than fifteen black bass, small-mouth bass, or millpond, or southern chub, or take, or kill in any one day in this State more than thirty-five rainbow or California, brook or mountain trout.

It shall be unlawful for any person to have in possession at any one time more than the number of fish mentioned in this act that

may be legally taken, captured or killed in two days.

Violations of any of the provisions of this act shall be deemed a misdemeanor and punished by a fine of not less than five dollars, nor more than twenty-five dollars for each offense. Provided, this act shall not apply to Back bay and its tributaries in Princess Anne county.

2. All acts or parts of acts in conflict with this act are hereby

repealed.

CHAP. 279.—An ACT to authorize cities and towns to lay an additional levy over and above any other amounts authorized by law for the purpose of providing a sinking fund for payment of principal and interest on its bonded indebtedness.

[H B 164]

#### Approved March 17, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the cities and towns of this Commonwealth, by their duly constituted authorities, be and they are hereby authorized to annually levy, in addition to any other levies authorized by law, a special levy upon the taxable property in such cities and towns as is not, by law, segregated to the State for taxation, or withheld from city or town taxation, and at a rate not in conflict with general law, for the purpose of providing a sinking fund or to pay the principal and interest of its bonded indebtedness, as and when the same becomes due and payable.
- 2. All acts or parts of acts or charters of any city or town be, and they are, hereby repealed, in so far as they are in conflict herewith.
- 3. An emergency existing, this act shall be in force from its passage.



CHAP. 280.—An ACT to amend an act approved March 20, 1920, entitled an act for the protection of patients and inmates of State hospitals and colonies for the insane, epileptic and feeble-minded from improper and unlawful marriages and providing punishment for violation of this act. [H B 119]

### Approved March 17, 1922.

1. Be it enacted by the general assembly of Virginia, That an act approved March twentieth, nineteen hundred and twenty, entitled an act for the protection of patients and inmates of State hospitals and colonies for the insane, epileptic and feeble-minded from improper and unlawful marriages and providing punishment for violation of this act, shall be amended and re-enacted to read as follows:

That if any man or woman shall knowingly marry any person lawfully adjudged to be insane, epileptic or feeble-minded, and duly admitted as a patient or inmate in any State hospital or colony for the insane, epileptic or feeble-minded, whether such person be actually confined in a hospital or colony or in the custody of some person on bond or furlough or at large as an escaped patient or inmate, he or she shall be guilty of a misdemeanor, and on conviction thereof shall be confined in jail not exceeding six months or fined not exceeding five hundred dollars, or both. Any such marriage, if attempted to be entered into, shall be absolutely void without any decree of divorce or other legal process. Furthermore, if any persons, resident of this State, one of whom is a lawfully committed and undischarged patient or inmate of any State hospital or colony for the insane, epileptic or feeble-minded, as above provided, shall, with the intention of returning to reside in this State, go into another State or country and there intermarry and return to and reside in this State, cohabiting as man and wife, such marriage shall be governed by the same law, in all respects as if it had been solemnized in this State. The superintendent of any State hospital or colony of which such insane, epileptic or feeble-minded person was a patient or inmate, shall on oath report to the clerk of the court in which such marriage license was issued in this State the fact that such person was a lawfully committed patient or inmate of said hospital or colony, and he, the clerk, shall forthwith enter this fact on the record of such license in his office and mark the same void.

2. An emergency existing by reason of the immediate necessity for the protection of patients and inmates of State hospitals and colonies for the insane, epileptic, and feeble-minded from improper and unlawful marriages, this act shall be in force from its passage.

CHAP. 281.—An ACT to amend and re-enact subsection 4 of section 3299 of the Code of Virginia.

[H B 497]

Approved March 17, 1922.

<sup>1.</sup> Be it enacted by the general assembly of Virginia, That subsection four of section thirty-two hundred and ninety-nine of the Code of Virginia be amended and re-enacted so as to read as follows:

Sub-section 4. It shall be unlawful between the first day of October and the twenty-fifth day of April of each year, and at no other time, to take oysters with ordinary or patent tongs, and in no other manner, from the natural rocks, beds and shoals in the Potomac river above a straight line drawn from North point at the mouth of Upper Machodoc creek in the county of King George, Virginia, to Lower Cedar Point in Charles county, Maryland. Any citizen of Maryland or of Virginia who has complied with all the requirements of the oyster laws of his State entitling him to the privilege for a certain period of taking and catching oysters with ordinary or patent tongs in such State, shall have the right without further license tax to take oysters with such tongs above the said line during the open season provided for in the waters above said line.

It shall be unlawful to dredge or scrape on the natural rocks, beds, and shoals of the Potomac river at any time with any boat propelled other than by sail, and the penalties otherwise prescribed for unlawful dredging shall be imposed under this section for any

violation of this act.

2. And be it further enacted, that upon the taking effect in the State of Maryland of the provisions prescribed in this subsection, as amended, the governor of Virginia shall issue his proclamation declaring the provisions hereof to be effective.

CHAP. 282.—An ACT to provide a road commission for Eastville magisterial district, in Northampton county, and to repeal previous acts. [H B 515]

# Approved March 17, 1922.

1. Be it enacted by the general assembly of Virginia, That there is hereby established for Eastville magisterial district, in the county of Northampton, a district road commission, consisting of the duly elected supervisors of said district, who shall be known as chairman, and H. S. Thomas, G. W. Holland, H. P. James, T. P. Bell, Ernest Scott and H. H. Wilkins, which commission shall have exclusive control of all roads and bridges within the limits of said district, and also of all taxes levied for road purposes and for building and repairing bridges; and of all moneys which may be borrowed by the board of supervisors, under any law now existing, or which may hereafter be enacted for the purpose of building, improving and maintaining the public roads and bridges in said Eastville magisterial district, and all taxes levied for road purposes and for building and repairing bridges within the said district; that is to say, that the taxes levied in the said magisterial district for road purposes shall be expended in said district, including its shares of the county levy, for road purposes. The members of said commission provided for in this act shall hold office for two and four years from the time of their appointment in the order named, so that three shall be appointed as hereinafter provided for, on or before January first, nineteen hundred and



twenty-four, and three on January first, nineteen hundred and twenty-six.

- 2. Upon said commission meeting and organization, the said members shall at once select a secretary-treasurer, whose accounts shall be audited by said commission and certified by said commission to the board of supervisors once a year and published once each year in some newspaper published in the same county. The said members of said road commission shall reside in the said district during their term of office, and, upon removal therefrom, their successor shall be selected in the manner hereinafter provided.
- 3. In the event of the vacancy in such Eastville road commission, whether caused by death, resignation or removal from office or from the district for which they were appointed, or by expiration of term of office, such vacancy shall be filled by the circuit court of said county or the judge thereof in vacation.

4. Said commission hereby provided for shall be a body corporate, and shall be known and designated as "the Eastville road commission," and as such shall have the right to contract and be contracted with, sue and be sued.

- 5. Said district road commission selected under this act shall qualify before the clerk of the circuit court and in the manner provided by law for qualifications of magisterial district officers, and the treasurer shall, at the time of his qualification and before he enters upon the discharge of his duties, give bond for the faithful performance of his duties with security in the sum of two thousand dollars by guarantee company, the premiums to be paid out of the road funds, and shall receive a salary not to exceed one hundred dollars per annum, in full compensation for his services for receiving and disbursing all funds that may come into his hands as such treasurer and for performing the duties of secretary.
- 6. The said commission shall meet at some convenient place in said district, and for their services in attendance upon said meeting, the members thereof in attendance shall receive a per diem of four dollars, but members of said commission shall not receive pay for more than twelve meetings in any one year.
- 7. The said district road commission is hereby authorized and empowered to adopt such methods and materials as in its judgment may seem best suited to the requirements of said district, employ such engineers, road builders and operatives, teams and machinery as to it may seem fit, and make reasonable and proper regulations as to location, construction and maintenance of the roads and bridges of said district, and do generally and perform all acts necessary for the effectuation of the interests and purposes hereof.
- 8. All acts or parts of acts in conflict with this act are hereby repealed.
- 9. An emergency arising by reason of the importance of the immediate execution of the provisions of this act, the same shall be in force from its passage.

CHAP. 283.—An ACT to amend and re-enact section 3206 of the Code of Virginia.

[S B 46]

Approved March 17, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-two hundred and six of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 3206. Fixing time and manner of catching black bass and trout in streams west of Blue Ridge mountains.—It shall be unlawful for any person to catch or destroy, in the waters in any counties west of the Blue Ridge mountains, or to have in his possession, any black bass, large or small mouth, between the first day of January and the first day of July following, or any brook or mountain trout or rainbow trout between the first day of July and the first day of April following, or to catch or destroy any of them at any time in any way except by angling with hook and line, and any black bass, large or small mouth, or brook or mountain trout or rainbow trout caught at any time in any way except by angling with hook and line, shall be returned to the water immediately with as little injury as possible; but it shall be lawful for any person to use a net commonly known as a "landing net" to land any black bass or brook or mountain trout or rainbow trout hooked by lawful angling with hook and line. This section, however, is subject to the following qualifications: That in the counties of Page, Warren, Shenandoah, Clarke and Rockingham the closed season for taking black bass, large or small mouth, from the waters of the Shenandoah river and its tributaries, or having in possession in said counties any such black bass taken from said streams, shall be between the first day of January and the fifteenth day of June following; any person violating this act shall be guilty of a misdemeanor.

CHAP. 284:—An ACT to prohibit the selling of children; to protect children from wilful or negligent injuries; and to prevent children from being overworked, tortured, tormented, mutilated, or cruelly beaten or cruelly treated.

[S B 83]

# Approved March 17, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person employing or having the custody of any child wilfully or negligently to cause or permit the life of such child to be endangered or the health of such child to be injured, or wilfully or negligently to cause or permit such child to be placed in a situation that its life or health or morals may be endangered, or to cause or permit such child to be overworked, tortured, tormented, mutilated, or cruelly beaten or cruelly treated. Any person violating this act shall be guilty of a misdemeanor.

CHAP. 285.—An ACT to amend and re-enact section 5194 of the Code of Virginia with reference to the recordation of contracts, deeds, etc., that are void as to creditors and purchases unless recorded. [S B 35]

#### Approved March 17, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-one hundred and ninety-four of the Code of Virginia be amended and re-enacted so as to read as follows: "Every such contract in writing, and every deed conveying any such estate or term, and every deed of gift, or deed of trust, or mortgage conveying real estate or goods and chattels and every such bill of sale, or contract for the sale of goods and chattels, where the possession is allowed to remain with the grantor, shall be void as to all purchasers for valuable consideration without notice not parties thereto and lien creditors, until and except from the time it is duly admitted to record in the county or corporation wherein the property embraced in such contract, deed, or bill of sale may be, but the mere possession of real estate shall not of itself be notice to purchasers thereof for value of any interest or estate therein of the person in possession. A recordation under this section shall not effect the rights of a creditor acquired under section fifty-two hundred and twenty-four.

The clerk of each court in which any such instrument is by law required to be recorded shall keep a daily index of all such instruments admitted to record in his office, and, immediately upon admission of any such instrument to record, the clerk shall index the same either in said daily index or the appropriate general index of his office. Within thirty days, except in cities of the first class and within ninety days in cities of the first class, after admission of such instrument to record, the clerk shall index all such instruments indexed in said daily index in the appropriate general index. During the period above permitted for transfer from said daily index to said general index, indexing in said daily index shall be a sufficient compliance with the requirements of this act as to indexing.

CHAP. 286.—An ACT designating Primary Road No. 1 of the State highway system as the Jefferson Davis highway. [H B 291]

#### Approved March 17, 1922.

1. Be it enacted by the general assembly of Virginia, That primary road number one of the State highway system, as established by an act approved January thirty-first, nineteen hundred and eighteen, is hereby designated, and shall hereafter be known as, the Jefferson Davis highway, in honor of the only president of the Confederates States of America.

CHAP. 287.—An ACT to amend and re-enact section 3202 of the Code of Vir-[H B 325] ginia.

Approved March 17, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-two hundred and two of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 3202. Fishing in the waters of the Mattaponi, Pamunkey and York rivers.—It shall be unlawful for any person, firm or corporation to fish with a pound net, fyke-net, weir, or any other fixed device or trap, except the device known as the gill stake-net, in water more than ten feet deep at low water in the York river above a line from Clay Bank in the county of Gloucester to a point directly opposite on the other side of the river, or in water more than ten feet deep at low water in the Mattaponi river below Walkerton ferry, or in water of any depth above Walkerton ferry, or in water more than ten feet deep at low water in the Pamunkey river below White House bridge, or in water of any depth above White House bridge. And any person violating the provisions of this section shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars for the first offense, and may, in the discretion of the court or jury, be confined in the county jail not exceeding twelve months, and upon every conviction the offender shall forfeit all nets, seines, fixed devices, boats and other tackle used in violating the provisions of this section.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 288.—An ACT to amend and re-enact section 4580 of the Code of Virginia, in relation to the appointment of police for religious meetings.

#### Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That secfour thousand five hundred and eighty of the Code of Virginia be amended and re-enacted to read as follows:

Sec. 4580. Appointment of police for religious meetings.—The supervisor or any justice of the peace of the magisterial district wherein a camp meeting or any other religious meeting is held may. in his discretion, upon the written application of the conductor of any meeting, in writing appoint as many persons as temporary police as he may deem necessary to preserve order at such meeting, who shall have, within three miles of such meeting, the powers of conservators of the peace, and shall receive the same fees as are allowed sheriffs of counties for making arrests and carrying prisoners to jail, and when appointed by a supervisor shall receive two dollars per day to be paid out of the county treasury.

CHAP. 289.—An ACT to provide for the consolidation or annexation of cities.

[H B 437]

Approved March 20, 1922.

- 1. Be it enacted by the general assembly of Virginia, That whenever two cities coterminous or adjacent to each other, desire to be consolidated with each other, or whenever one of such cities desires to annex or to be annexed to the other, for the purpose in either case of forming one municipal government, with a common name to be governed under and controlled by either the general laws of the Commonwealth, enacted for the government of cities or by the provisions of the charter of either of the two cities, it shall be lawful for the councils of the two cities, or of the one city, as the case may be, to so declare by an ordinance which shall be adopted by a recorded affirmative vote of a majority of all the members elected to the council and to each branch thereof where the council is composed of more than one branch.
- 2. Said ordinance shall be approved by the mayor of such city or may be passed notwithstanding his objections in the manner prescribed for passing ordinances over the veto of the mayor. It shall contain declaratory provisions on the following subjects, to-wit:

First. The named suggested for the proposed municipal gov-

ernment.

Second. Whether it is desired that the proposed municipality shall be governed by the general laws governing cities or by the charter of one of the cities interested in the proposed consolidation or annexation, naming the city, if any, whose charter and name it is proposed to adopt.

Third. Setting forth the particular inducements to annexation or consolidation, if any such there be, over and above the incidental and ordinary benefits of citizenship in the proposed municipality—such as the erection of school houses or other public buildings or the devotion of a named sum to street, sewer, or other public improvements for a stated period, or to be expended within a stated time; and

Fourth. Appointing a committe of not more than five, whose duty it shall be to present a certified copy of the ordinance to the council of the city with which consolidation or annexation is proposed, and to confer with a similar committee therefrom, if such committee be appointed, and in conjunction with such committee to adjust and settle the terms and conditions of annexation or consolidation, and to prepare and perfect an ordinance designed to effect the desired annexation or consolidation.

3. If the council of the city with which consolidation or annexation is proposed agrees thereto, it shall pass an ordinance, in the manner hereinbefore prescribed, which shall recite the fact of the passage of such an ordinance by the council of the city taking the initiative, the reception of a certified copy, and the terms and provisions thereof, and which shall appoint a committee of the same number as the committee appointed by the council of the other city, which shall be charged with similar duties.

4. The two committees thus appointed shall meet in joint session as soon as may be, and a majority of each committee being present and acting as separate units, shall proceed, with such adjournments from time to time as may be desirable, to prepare and perfect an ordinance designed to be adopted by the councils of the cities concerned, and to provide therein for the consolidation or annexation proposed, upon such terms and conditions as said committees may agree upon. Such terms and conditions shall be set forth in said ordinance, which shall be reported by each committee to the council by which it was appointed, and which shall hereafter be designated as the consolidation or annexation ordinance. If the committee of the city first proposing such consolidation shall, by resolution, determine that it is impossible to agree upon an ordinance of consolidation with the committee of the council receiving the overtures, or if the council of the city with which consolidation or annexation is proposed does not, within thirty days from the receipt of the certified copy of the ordinance proposing consolidation, appoint a committee as herein provided, the city making the overtures of consolidation may pass an ordinance as provided herein, providing for the consolidation of the said cities, and petitioning the corporation or hustings court, or the judge thereof in vacation, of the city receiving the overtures, if said city be a city of the first class, and if not, then the circuit court, or the judge thereof in vacation, of the county wherein the city receiving said overtures lies, to call a special election, and thereupon the said court, or the judge thereof in vacation, shall pass an order directing the proper election officers of the said municipality to take such steps and prepare such means as may be necessary to submit to the qualified electors of the said city the question whether the said proposed ordinance of consolidation shall be effective or not. In case such ordinance is ratified by the qualified voters of such city at such election after having been adopted by the council of the other city, the proposed consolidation and annexation shall be effective as if the council of the two cities had themselves agreed upon its terms as provided in this act; provided, that should the committees from both cities agree on a consolidation ordinance then the said ordinance shall be submitted to the qualified voters of the city receiving said overtures, and should a majority of the voters voting thereon, vote for the ordinance, then the same shall be as effective, otherwise of no effect. Provided, further, that should the committees from the two cities fail to agree on a consolidation ordinance within sixty days after an ordinance to consolidate the two cities has been presented to the council, or other governing body of the other of the two cities, then the said ordinance shall be presented to the corporation or hustings court, or the judge thereof in vacation, if said city be a city of the first class, and if not, then the circuit court, or the judge thereof in vacation, of the county wherein the city receiving said overtures lies, who shall within ten days thereafter enter an order directing the proper election officials of the said municipality to take such steps and prepare such means

as may be necessary to submit to the qualified electors of the said city the question whether such proposed ordinance of annexation or consolidation shall be effective or not; and should a majority of the voters, voting thereon, in said city, vote for the ordinance then the same shall be effective, otherwise of no effect. Said election shall be held in the manner provided for in chapter thirteen of the Code of nineteen hundred and nineteen, so far as the same may be ap-

plicable.

The consolidation or annexation ordinance to be effective, where such consolidation or annexation ordinance has been agreed to by the committee from the councils of both cities, must be passed by the council of each city participating in the consolidation or annexation, by a recorded affirmative vote of a majority of the members elected to said council and to each branch thereof, where there are two; and must provide that an election shall be held in the smaller city, or in any city in which one-fourth of the qualified voters petition the council, asking that an election shall be held, to determine whether such consolidation or annexation shall take effect. It shall be approved by the mayor of each city or passed over the mayor's veto as in case of other ordinances, and shall not be voted upon by both branches of the council of any city on the same day.

6. The consolidation or annexation ordinance shall not be voted on by the council of either of the cities interested in the proposed consolidation or annexation (unless by its terms the proposed consolidation or annexation is made dependent upon an election) until notice thereof shall have been given by publication of such ordinance once a week for four successive weeks in at least one daily newspaper published in each of said cities, or if there be no such newspaper published in said cities or in one of them, then in some daily newspaper which has a substantial circulation in the city or cities in which no such newspaper is published. A printed copy of said consolidation or annexation ordinance shall be posted conspicuously in each voting precinct of said cities, at least thirty days before the council is called upon to vote thereon. The posted notice herein required shall be signed by the clerk of the council, and shall designate the day upon which the council will proceed to consider said ordinance.

In case the consolidation or annexation ordinance provides that an election shall be held in either or both of said cities before consolidation or annexation shall be effective, the notice and publication hereinbefore required shall not be necessary before the council of either city votes upon said ordinance, but shall be required before the election is held, and to such notice and publication there shall be attached a notice under the hand of the clerk of the council, stating that a special election will be held in said city or cities on a day specified in the notice to determine whether the consolidation or annexation of the cities named shall take place upon the terms and conditions agreed upon by their respective councils and set forth

in the ordinance adopted by said council.

8. In either case the publication herein required when completed



shall, when an election is prescribed as a means of determining such consolidation or annexation, be certified by the editor or business manager of such newspaper or newspapers to the clerk of the corporation court of the city or cities in which the election is to be held, or to the circuit court of the county in which such city lies, if such city be of the second class, or to the clerk of the council of each city when no such election is prescribed. The clerk of the council shall in like manner certify that printed copies of the annexation or consolidation ordinance have been posted in the manner required by law.

- 9. The consolidation or annexation ordinance prepared and perfected by the committees of the councils of the said cities may be adopted, amended, recommitted to the same or to another committee for further conference and report, or rejected by the council of either city, or of both, as if it were an ordinance proposed solely by a committee of its own body. The council of each city shall forthwith notify the council of the other of the disposition it has made of said ordinance by a certified extract of its proceeding with relation thereto under the hand of its clerk.
- 10. If the consolidation or annexation ordinance shall be passed without amendment by the council of either city a certified copy of the ordinance as passed shall likewise be transmitted to the council of the other city as soon as practicable after the ordinance shall have, been signed by the mayor of such city or passed over his veto. If, however, thes council of either city shall amend or recommit said ordinance, the council of the other city upon receiving notice thereof may either adopt, amend, or reject said ordinance and amendment or recommit to the same or to another committee for a further conference and report.
- 11. In case the ordinance prepared by the committees of the councils of said cities shall be passed by the council of one of said cities and be rejected or so amended by the council of the other city as to be unacceptable to the council of the first city, or in case it shall be vetoed by the mayor of one city and be adopted by the council of the other, a special election may be called in the city whose council so amends or rejects said ordinance or by whose mayor it is so vetoed, in the manner provided in section four of this act, upon the petition of the city whose council shall have adopted said ordinance to the court having jurisdiction, as provided in section four of this act, to determine whether the ordinance reported by said committee shall or shall not be effective. In case such ordinance is ratified by the qualified voters of said city at such election, after having been adopted by the council of the other city, the proposed consolidation or annexation shall be as effective as if the councils of the two cities had themselves agreed upon its terms. But no election under this section shall be held within seven months from the time the same is ordered.
- 12. Whenever the councils of the two cities shall have passed a consolidation or annexation ordinance or the same shall have become effective in the manner prescribed by law, identical in terms, words,



and figures, except so far as variations may be necessary to express the independent action of either city and the terms upon which consolidation or annexation has been concurred in, the consolidation or annexation therein provided for shall thereupon be and become an accomplished fact according to the terms and provisions of said ordinance; provided, however, that all the requirements of law have been complied with in said ordinance, and provided, that all preliminary acts and conditions precedent, prescribed in said ordinance, shall have been done and complied with in the manner therein provided, and as prescribed by law; and provided, that such consolidation or annexation shall not be declared effective until the fact of such compliance with the requirements of the law and with the preliminary acts and conditions precedent shall have been ascertained and declared in the manner herein provided.

13. A certified copy of said ordinance under the hand of the clerk of each council, and sealed with the seal of each city, together with a certified copy of the ordinance received by each council from the council of the other city shall be at once transmitted to the clerk of the corporation or hustings court of each of said cities named in said ordinance; provided that, if either of said cities shall be a city of the second class, then such certified copies shall be transmitted to the clerk of the circuit court of the county wherein such city of the second class lies; and the clerk of the corporation or hustings court of the city named in said ordinance which has the smaller population by the last United States census, or the clerk of the circuit court of the county, if such city be a city of the second class, shall thereupon docket the same, and the evidence shall be heard by the judge without a jury, as in common law cases.

14. Notice may be served by either city upon the mayor, president of the city council, or of its more numerous branch, where there are two, and upon the city attorney, if any, of the other city named in the ordinance and by publication at least five times in some newspaper published in or having substantial circulation in the city having the smaller population as aforesaid, that within ten days, and on a day named, it will move the said corporation or circuit court, or judge thereof in vacation, to hear the case and to ascertain and declare by order of court that all preliminary acts and conditions precedent have been complied with, and that consolidation or annexation has been effected by the said cities according to law, or in the event that the consolidation or annexation ordinance requires an election to be held in either of said cities, or in both of them, that the corporation court of such city in which an election is required, or the circuit court of the county in which such city, if a city of the second class lies, will be asked to order the same to be held on a named day not less than sixty days after the entry of the order, and that the corporation court of the city having the smaller population, or the circuit court of the county in which such city, if a city of the second class, lies, as aforesaid, will be asked at the same time to ascertain and declare by order of court that all other preliminary acts and



conditions precedent in said ordinance have been complied with, and that consolidation or annexation has been effected by the said cities according to law, subject to ratification or rejection by the qualified voters at the elections prescribed in said ordinance.

15. The said proceedings shall be placed on the privileged docket of the said court, or may be heard in vacation by the judge designated to hear the case, and any qualified voter of either city, or any party affected, may become a party thereto. All proceedings shall be had in the corporation court of the city having the smaller population, unless such city be a city of the second class, in which event all such proceedings shall be had in the circuit court of the county in which such city of the second class lies, except that in case an election is to be held in the other city, said election shall be ordered by the judge thereof, and the result, when ascertained, shall be certified by the clerk of that court to the clerk of the corporation court of the city having the smaller population, or to the clerk of the circuit court of the county in which such city lies, if such city be a city of the second class, to be by him filed with the papers in the consolidation or annexation proceedings.

16. The election prescribed for either or both of said cities shall be ordered for each city by the judge of the corporation court thereof, or by the judge of the circuit court of the county in which such city lies, if such city be a city of the second class, and shall be held and its returns made to and be canvassed and certified by the same officials and in the same manner as is provided by general law for special elections; provided, however, that the ballots to be used shall be prepared, printed, stamped, and distributed as in other special elections, which ballots shall be marked as follows: "For consolidation or annexation," and "Against consolidation or annexation," and the voter shall indicate his opinion by so marking the ballot as to indicate whether his ballot is to be counted "for" or "against" the proposition submitted to the voters; and provided further, that the certificate of the judges of election shall be in the usual form, except that it shall certify that \_\_\_\_\_ votes were cast for consolidation or annexation, and that \_\_\_\_\_ votes were cast against consolidation or annexation.

17. The corporation court of the city having the smaller population, or the circuit court of the county in which such city lies, if such city be a city of the second class, which shall be presided over by a non-resident circuit judge, who shall be designated by the governor, or said judge in vacation, shall hear the cause as hereinbefore provided, and when it shall appear that the said cities have each passed a consolidation or annexation ordinance, or that said ordinance has been passed by the council of one city and ratified by the voters of the other, in the manner prescribed by law; that the terms of such ordinances are identical except for the necessary variations hereinbefore referred to; that all preliminary acts or conditions precedent have been complied with; that the provisions of said ordinance comply with the requirements hereinafter set forth, and, in case con-



solidation or annexation was conditioned upon ratification by the qualified voters of either city, or both, that such election or elections have been held and such consolidation or annexation ratified, then the said court, or the judge thereof in vacation, shall enter an order embodying the consolidation or annexation ordinance and declaring that the cities named have effected the consolidation or annexation provided for by said ordinance and thereupon and thereafter the said cities shall be and continue as one municipality, under the terms and according to the provisions of the said consolidation or annexation ordinance. A copy of this order of the court shall be certified to the secretary of the Commonwealth, by whom it shall be certified to all departments of the State government. But if a majority of the votes cast at said election, in either city, or in the city in which an election is held, shall be against consolidation or annexation, the said court or judge shall dismiss the proceedings, the cost of which shall be equally apportioned between the said cities and certified to their respective councils for payment.

18. The consolidation or annexation ordinance may contain the

following provisions, to-wit:

First. It may provide that consolidation or annexation shall take effect only upon condition that the ordinance providing therefor is ratified by the duly registered and qualified voters at an election to be held for that purpose in either or both of the cities concerned; provided, however, that such election shall be held in the city having

the smaller population.

Second. It may provide for the erection of public buildings, or other works of improvement, which shall be specified in either of said cities, or, where the two cities are separated by water, for the construction of bridges between them. It may also provide for the setting apart of the taxes or revenues of either city, either in whole or in part, or of a stated sum in lie thereof, for a fixed period, not, however, exceeding five years, for the improvement of streets, or the providing of light, water, or other public works or improvements, as may be agreed upon by the two cities, or, in the absence of such agreement, as the council of the consolidated municipality shall determine.

Third. Said ordinance may provide for the abolition of the corporation or other courts of the city whose charter is surrendered upon securing the payment of the salaries of the judge thereof, and any other court official whose salary cannot be or is not designed to be cut off, during the term of office for which he was elected or appointed, or said ordinance may provide that the corporation or other courts of the city whose charter is surrendered shall be continued and shall continue to exercise the same jurisdiction belonging to it or them under the statutes previous to annexation or consolidation, except that when the two cities so consolidated are separated by a river that is either navigable or more than three hundred yards wide, the clerk of the court so retained shall certify each day to the clerk of the court of record on the other side of the river a full and

correct index of all matters admitted to record in such courts, and required by law to be recorded, by whom the same shall be entered in appropriate books properly marked and designated as records of part two of the court of record of such consolidated city. The clerk and sergeant of such court shall be continued in office for and during the term for which they shall have been elected, and thereafter until the election and qualification of their successors, and they shall be entitled to the same compensation and fees as if annexation or consolidation had not taken place; provided, however, that the courts thus retained shall be designated by the title of the corresponding courts of the united or consolidated municipality, with the added designation, part two; and the judges thereof, who shall serve to the end of the terms for which they were severally elected or appointed, and whose successors shall then be elected, appointed, and commissioned in the manner prescribed by law, and for the same term, as in the case of other judges of cities of the first class, shall receive the same compensation, which shall be paid in the same manner as in the case of other city judges. The amount of said compensation for each judge so retained is hereby fixed at a sum equal to the salary fixed by law for the judge of the court of which said retained judge's court becomes a division; and provided that the courts of said municipality, so far as they have concurrent jurisdiction, shall apportion and divide between them all cases coming up for trial. The said ordinance may likewise provide for a police justice to hold court within the former territory of either of the said cities in which there was no police justice at the time of annexation or consolidation, notwithstanding the adopted charter may provide for only one such justice in the former territory of the city whose charter is adopted. Such justice and his successors shall be appointed or elected in the manner and shall exercise the powers, duties and jurisdiction prescribed by the charter of the united or consolidated municipality. But if such charter makes no provision therefor, such justice and his successors shall be appointed in the manner and for the term, and shall be clothed with the power, duties and jurisdiction prescribed by the acts of the general assembly of Virginia; provided, that such justice may be elected or appointed as soon as said annexation or consolidation has been declared effective, and his term of office shall begin as soon as he has qualified; and provided, that the salary of such justice, which shall be paid by said city, shall be fixed by its council according to the population contained in the former territory of the city in which he is to hold court, as provided in said acts of assembly. If at the time of annexation or consolidation there is a police justice in either or both of said cities, such justice or justices shall continue to exercise the duties of their offices and shall be clothed with the powers, duties, and jurisdiction of police justices of the united or consolidated city as if originally elected or appointed therein. Their courts shall be designated as "the police court" or "the police court, part two," of said municipality, according to the relative population contained within the territory of the former city

in which they hold court, respectively, and their successors shall be elected or appointed as if said justices had always been police justices of the united or consolidated municipality. All cases, civil and criminal, which arise within the former territory of either of said cities shall, upon motion of the accused or of the defendant, be certified for trial to the police justice whose court is held in the territory within which such case arose. If, however, at the time of annexation or consolidation the mayor of either city shall be clothed with the jurisdiction and powers of a police justice, said ordinance may provide that such mayor shall be and become the police justice designated for the trial of cases, civil and criminal, arising within the territory of his former city, and he shall thereupon be vested with all the powers, duties, and jurisdiction conferred by law or by the adopted charter upon a police justice to the same extent as if he had been selected or appointed in and for the united or consolidated municipality. His term of office shall begin on the day when annexation or consolidation is declared effective, and end with the term for which he was elected mayor. His salary shall be determined and his successors shall be elected or appointed in the manner and for the term hereinbefore prescribed. The court of any police justice appointed or elected in the manner herein provided shall be designated as "part two" of the police court of the united or consolidated municipality, if either of said cities had a police justice at the time of annexation or consolidation.

Fourth. Said ordinance may provide for an assistant to the attorney for the Commonwealth and to the city attorney of the united or consolidated municipality, and may continue in office as such assistant or assistants for the terms for which they were respectively elected or appointed the Commonwealth's attorney and city attorney of the city whose charter is surrendered.

Fifth. It may contain any other special provisions agreed upon by the said cities which are not inconsistent with the Constitution and laws of the Commonwealth, or which are permitted by the charter

of either city.

Sixth. Said ordinance may transfer members of the police or fire department or of any other department of the city government whose charter is surrendered to the corresponding department of the government of the united or consolidated municipality, and the several boards, commissioners, and officials, respectively, and they shall especially have the power to fix and assign the rank, title, duties, and powers of such transferred members, except that the place of service of transferred members of the police and fire departments shall remain in the territory of the city whose charter is surrendered as long as they remain members of said departments, unless in an emergency they are ordered to other territory; provided, however, that the rank, title, duties, and powers of the transferred members of the police and fire departments shall remain the same until the governing authorities of such departments provide otherwise.



19. But said consolidation or annexation ordinance shall contain

provisions ordaining:

First. The name adopted for the united or consolidated municipality constituted by the consolidated or annexation ordinance, by which name it is hereby enacted by the general assembly of Virginia, that the said municipality shall be a body, politic and corporate in fact and in law, with all the rights, powers, privileges, duties, properties, interests, claims, demands, and jurisdiction held by each of the cities or under the general laws of the Commonwealth; and said ordinance shall also name the cities intended to be consolidated or annexed and define the metes and bounds of the united municipality, which may be so designated as to annex or consolidate all or a part of the city to be annexed or consolidated to another city leaving a part of such in the county in which the territory is situated.

Second. Said ordinance shall ordain the consolidation or annexation desired, and contain an explicit surrender and annulment of the charter of the city or cities whose charter or charters are proposed to be surrendered, together with an explicit adoption of the charter of the city whose charter is adopted, if such there be, and of its seal.

Third. It shall contain a clear transfer of all the charter rights, privileges, duties, powers, obligations, properties, interests, and jurisdiction of the city or cities whose charter is surrendered to the city whose name and charter are adopted, if such there be, or to the consolidated municipality and a clear acceptance by such city or by the consolidated municipality and assumption of the said rights, duties, powers, obligations, interests, properties, claims, demands, privilegés, and jurisdiction thus transferred, and of all valid debts and liabilities of said first mentioned city.

Fourth. Unless wards and ward lines shall have been abolished in the city whose charter is adopted, said ordinance shall provide for the organization of the smaller city thus annexed or consolidated into a new ward or wards, according to its population and according to the requirements of law. It shall also provide for the proper legal representation of such ward or wards in the council of the

united or consolidated municipality.

Fifth. It shall provide for the election of such members of the council and of each branch thereof as may be legally apportioned to said new ward or wards, if any, in the council of said municipality, by the council of said consolidated municipality at its first session after consolidation, to serve until the next regular election for members of the council and until their successors are elected and qualified.

Sixth. It shall ordain the abolition of such city officers and the termination of the salaries thereof as may be agreed upon by said cities, and shall designate the time at which such abolition shall take effect.

Seventh. It shall forbid the further creation of debt by the city whose charter is surrendered and the further levying of taxes, assessments, or licenses upon persons or property within the united or consolidated municipality.

Eighth. It shall ordain the transfer of all former funds and the payment of all outstanding dues, revenues, debts, and obligations to

and by the united or consolidated municipality.

Ninth. Said ordinance shall provide for the expenses of any city which may be absorbed by such consolidation or annexation and for the maintenance of its public schools until such time as new funds shall be received by the united or consolidated municipality, but no such provision shall interfere with the appropriation of any specific fund or sum for public works or improvements that may be agreed upon between the two cities under subdivision second of section eighteen of this act.

Tenth. It shall make provision for the maintenance of a department of education in said municipality, and for the support and management of a system of public free schools, if the adopted charter does not contain adequate provisions, and shall provide for the continuance in office and of the official duties of such superintendent of schools and school trustees as may be in office when consolidation or annexation is effected during the term for which they were elected or appointed, and for the salaries and compensation allowed them

by law.

Eleventh. It shall provide for the maintenance of a police force and of a fire department, a board of health, with such city physicians, pharmacies, and hospitals as are agreed upon; for the care of public grounds and buildings; of streets and sewers, and for the maintenance of a department of water and of light, and for the care of the poor. In all of these particulars, however, said ordinance may adopt the provisions of the charter so to be adopted; provided, such charter is adopted.

Twelfth. Said ordinance shall prescribe the jail or station-house in which offenders are to be confined who are arrested for offenses committed within the former territory of the city whose charter is surrendered, and shall provide for its proper care and maintenance.

Thirteenth. It shall provide for the transfer of such records, papers, and deeds of the city whose charter is surrendered as may be necessary to the proper officer or officers of said municipality.

Fourteenth. It shall make provision for the maintenance and pay of all necessary magistrates, constables, and subordinate officials, and such justices of the peace and constables as are in office when consolidation or annexation is effected shall continue in office until the expiration of the term for which they were elected or appointed, and shall be vested with the same rights, powers, and duties as if they had been elected or appointed in and for the united or consolidated municipality.

Fifteenth. It shall provide for the continuance in office for the term for which they were appointed, and for the compensation of all registrars, judges, and clerks of election, subject to control and removal by proper authority. Said officers shall hold, conduct, and certify all elections during their continuance in office as if no consolidation or annexation had taken place, except so far as a change

in the name of the city or of the corporation court of the city, for which they were originally appointed, or of their respective wards or precincts require a change in their official titles, acts, or certificates.

Sixteenth. Said ordinance shall ascertain the salary of average annual compensation of any officer of the city whose charter is surrendered who is retained in office, or whose salary or other compensation is not by the ordinance of consolidation cut off or discontinued, and who receives as salary, or whose compensation is determined in whole or in part by fees allowed by law, and shall provide for the payment of such salaries to such officers at stated periods or for the payment of an amount which shall be at least equal to their average annual compensation as so ascertained, during the term of

office for which they were severally elected or appointed.

20. Whenever two cities shall have effected consolidation or annexation in the manner herein prescribed it is hereby enacted by the general assembly of Virginia that the municipal or public corporations named in the ordinance of consolidation or annexation with the metes and bounds therein specified, are annexed, united and consolidated into one municipal corporation upon the terms set forth in said ordinance, and are to be known and thenceforth called by the name designated in said ordinance; that the boundaries, jurisdictions, and powers of said municipal corporation are for all purposes of local administration and government declared to be co-extensive with the territory therein described; that the said municipal corporation is the successor corporation in law and in fact of the cities so annexed and consolidated as aforesaid, with all their lawful rights and powers and subject to all their lawful duties and obligations without dimunition or enlargement, except as otherwise specially provided in said ordinance; that all funds and moneys which at the time of annexation or consolidation shall be held by or payable to the receiver of taxes or the treasurer, or any department of the cities so annexed or consolidated shall be deemed to be held by and payable to the said municipal corporation, solely as the funds and moneys of said municipal corporation, and upon the ascertainment by order of court that such consolidation or annexation has been effected shall be delivered on the day named for the consolidation or annexation to be effective, to the office of said municipal corporation entitled by law or by the adopted charter to hold and control the same; provided, however, that all taxes, licenses, and levies or assessments for the year in which annexation or consolidation is effected shall be collectible and payable according to the provisions of existing laws.

21. The charter of any city which is surrendered by said ordinance shall be, and is hereby revoked and annulled, and the general laws governing cities and the charter of the city which is adopted, together with the jurisdiction of its officers, State and municipal, shall immediately extend to and over the territory of the city whose charter is surrendered. The terms and conditions of consolidation or annexation, as provided in said ordinance, shall be deemed and held



to be a binding and irrevocable contract in favor of the public, compliance with which in all its parts may be enforced, and violation of which may be prevented, by mandamus or injunction from the supreme court of appeals, or from any circuit or corporation court at the suit or relation of any citizen or taxpayer. All notaries public who have been commissioned as notaries for the city whose charter is surrendered shall exercise the same authority and do the same acts as provided by law for the consolidated city until the expiration of the terms of their respective commissions.

22. No new registration shall be necessary in case of such annexation or consolidation, but all electors shall be entitled to transfers to the proper registration books of the united or consolidated city, and it shall be the duty of the corporation court of said city to direct the making of such transfers as may be necessary by reason of the rearrangement of the wards and election precincts. Any person residing in the cities annexed or consolidated by said ordinance who shall not have registered shall be entitled to register at such time as he would have been entitled to do so if no annexation

or consolidation had taken place.

23. All valid and lawful charges and liabilities now existing against either city so annexed or consolidated, or which may hereafter arise or accrue against such cities, which, but for such annexation or consolidation would be valid and lawful charges or liabilities against them, or either of them, shall be deemed and taken to be like charges against or liabilities of the united or consolidated municipality, and shall accordingly be defrayed and answered unto by it to the same extent, and no further, than the said several cities would have been bound if no annexation or consolidation had taken place. As a portion of such liabilities shall be reckoned and included the salaries or other compensation of all officers, whose incumbents are not removable at the pleasure of the council or appointing power, or who are not, in fact, removed by said ordinance. All stocks, bonds, contracts, and obligations of said cities which now exist as legal obligations shall be deemed like obligations of the united or consolidated municipality, and all such obligations as are authorized or required to be hereafter issued or entered into shall be issued or entered into by and in the name of said municipality.

24. All laws or parts of laws heretofore passed creating any debt or debts of the cities so united or consolidated, or for the payment of such debts, or respecting the same, shall remain in full force and effect, except that the same shall be carried out by the united or consolidated municipality and under its name and in such form and manner as may be suitable to its administration, and all the pledges, taxes, assessments, sinking funds, and other revenues and securities provided by law for the payment of the debts of said cities, shall be in good faith and enforced, maintained, and carried out by said

municipality.

25. The ordinances in force in said cities at the time of annexation or consolidation, so far as the same are not inconsistent with



the fact and ordinance of annexation or consolidation, or with this act, are hereby continued in full force and effect within the former limits of said cities, respectively, subject to modification, amendment or repeal by the council of the united or consolidated municipality.

26. From and after the date when annexation or consolidation shall become effective, all indictments and prosecutions for crimes committed or ordinances violated, and all suits or causes of action arising within the territory of the united or consolidated municipality may be instituted in said city with the same force and effect as if annexation or consolidation had always been effective. But in case the corporation or other courts of any city whose charter is surrendered are retained as courts of concurrent jurisdiction with any of the courts of the united or consolidated city, prosecutions for crimes committed or ordinances violated and suits or causes of action arising within the territory of the city whose charter is surrendered shall be apportioned, as far as possible, to said corporation or other courts so retained, for trial, and all cases arising therein which are properly triable by a magistrate's court shall be tried before some justice of the peace resident in said territory, unless otherwise pro-

vided by the consolidation or annexation ordinance.

When, however, the consolidation or annexation ordinance provides for the abolition of the corporation or other courts of the city whose charter is surrendered on the day when such consolidation or annexation is to take effect, all criminal prosecutions then pending therein, whether by indictment, warrant, or other complaint. and all suits, actions, motions, warrants, and other proceedings of a civil nature, at law or in chancery, with all the records of the courts of such city shall stand ipso facto removed to the court or courts of concurrent or like jurisdiction of the other city. And it shall be the duty of the corporation and other courts having courthouses and records in and jurisdiction over the city absorbed or merged, at some convenient time, as closely preceding the period of removal as practicable, by formal orders entered of record, to direct the removal of all such causes and proceedings, civil and criminal, at law and in chancery, to the court or courts of concurrent or like jurisdiction of the other city, and, where there are two or more such courts, to apportion such matters fairly and equally between them; and it shall thereupon be the duty of the clerk of the court or courts to which the same have been removed, as in other cases of removal or changes or venue, where they shall be docketed and proceeded in with the same force and effect as they might have been in the court or courts from which removed. At the same time it shall be the duty of such clerk or clerks also to deliver to the proper clerk or clerks of the other city wherein the like records are required by law to be kept, all the deed books, order or minute books, execution dockets, judgment dockets, and other records of his office, of whatever kind or nature; and the clerk or clerks of the court or courts to which the same are removed shall forthwith take charge of and preserve the same for reference and use in the same manner and with the same



effect as though they were original records of his office. In case there shall be two or more courts of like jurisdiction, to either of which such records or portions of them may be properly removed, either of said courts may designate and prescribe the particular court to which such records or portions of them shall be removed.

- 28. If any right, title, interest, claim, or case arise out of such consolidation or annexation for which this act or the Constitution and laws of this State do not make adequate provisions, the council of the united or consolidated municipal corporation may by ordinance make provision for its equitable determination, so far as concerns the said corporation. The provisions of this act, however, shall not apply to cities of more than forty thousand and less than seventy-five thousand inhabitants.
- 29. An emergency existing this act shall be in force from its passage.
- CHAP. 290.—An ACT to require all owners, operators, proprietors, superintendents, or conductors of a sawmill or other manufacturing plant, and other persons who have dug wells or pits on certain premises after the passage of this act, to fill the same before their abandonment; and also to require the owners of such premises to see that such wells or pits have been properly filled.

  [H B 109]

  Approved March 20, 1922.
- 1. Be it enacted by the general assembly of Virginia, That it shall be the duty of all owners, operators, proprietors, superintendents or conductors of any saw mill or other manufacturing plant, or any other person, who has, after the passage of this act, caused to be dug on his own or the land of another any well or pit for the use of such saw mill, plant or person, to fill such well or pit with earth or other suitable material so that the same shall not be dangerous to human beings, animals, or fowls, at the time of, or before such mill or plant shall be removed or such well or pit otherwise abandoned.

And it shall be the duty of the owner or owners of any such land whereon is located any such abandoned well, dug after the passage of this act, to see that the duty aforesaid, hereby imposed upon the persons aforesaid, is properly performed. And any person violating any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars.

This law shall not be enforced in any county in this State until adopted by the board of supervisors of said county.

CHAP. 291.—An ACT to protect landlords against removal of crop by tenants until rents and advances are paid, and to prescribe punishment therefor.

[H B 140]

# Approved March 20, 1922.

- 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person renting the lands of another, either for a share of the crop or for money consideration, to remove therefrom, without the consent of the landlord, any part of such crop until the rents and advances are satisfied.
- 2. Every such offense shall be deemed a misdemeanor, and shall be punishable by a fine or imprisonment.

CHAP. 292.—An ACT to amend and re-enact section 12 of an act entitled an act to amend and re-enact section 12 of an act entitled an act to incorporate the town of Wakefield, approved February 10, 1920, as heretofore amended.

[H B 127]

# Approved March 20, 1922.

- 1. Be it enacted by the general assembly of Virginia, That section twelve of an act entitled an act to amend end re-enact section twelve of an act entitled an act to incorporate the town of Wakefield, approved February tenth, nineteen hundred and twenty, as heretofore amended, be amended and re-enacted so as to read as follows:
- Sec. 12. The council shall have power to levy a specific tax not exceeding one dollar upon all citizens, both male and female, who are over the age of twenty-one years, and to levy a tax not exceeding eighty cents on the hundred dollars worth of property for all purposes; provided, however, that said council may impose a further tax not exceeding one dollar on the hundred dollars when authorized by a two-thirds vote of all the legally qualified voters of said town, provided, however, that such tax shall be subject to the limitations prescribed by the general law on intangibles.
- 2. An emergency existing, this act shall be in force from its passage.

CHAP. 293.—An ACT to remove the disability of infancy for the purpose of passing contingent right of curtesy and dower. [H B 87]

## Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That the disability of infancy shall be, and the same is hereby declared to be removed by marriage for the purpose of, and to the extent, only, that hereafter an infant wife, whether married before or after this act takes effect, may, in the manner prescribed by section fifty-one hundred and thirty-five, pass her contingent right of dower in her husband's real estate as effectually as if she were an adult; and an infant husband, whether married before or after this act takes effect, may

in like manner, pass his contingent right of curtesy in his wife's real estate as effectually as if he were an adult.

CHAP. 294.—An ACT to amend and re-enact section 3082 of the Code of Virginia, as amended by an act approved March 22, 1920. [H B 128]

#### Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That section three thousand and eighty two of the Code of Virginia, as amended by an act approved March twenty-second, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 3082. How bonds issued by city or town for any purpose; what is required of council before bonds are issued.—Whenever it is proposed by any town to issue bonds for any purpose, or any city now or hereafter existing to borrow money and issue bonds contemplated by the provisions of clause "B," section one hundred and twenty-seven of the Constitution, not to be included within the otherwise authorized indebtedness of such municipality, the council or the board of control, if there be one, shall adopt an ordinance, reciting the expediency of borrowing money by the municipality and the issuance of bonds therefor, the amount of such issue, the length of time for which they are to run, the interest to be paid thereon, and the purpose for which the money realized therefrom is to be used, and if for the purpose of borrowing money and issuing bonds under the provisions of class (b), section one hundred and twentyseven of the Constitution, and not to be included within the otherwise authorized indebtedness of such municipality, said ordinance shall state that fact, as well as the specific undertaking for which the said money is proposed to be borrowed, and said bonds are to be issued, which ordinance in any case if passed by a council, shall be upon the recorded affirmative vote of a majority of all the members elected to the council, or to each branch thereof, where there are two branches; and if such ordinance be vetoed by the mayor, it may be adopted, notwithstanding such veto, in the manner prescribed by section one hundred and twenty-three of the Constitution. After adoption of such ordinance, a certified copy thereof shall be forthwith presented to the corporation or circuit court having jurisdiction over such city or town, or to the judge thereof in vacation. Provided, however, that nothing herein shall be construed as repealing or affecting the provisions of the charter of any city or town in this State.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 295.—An ACT to protect reformative, corrective and disciplinary institutions in this State, authorized by law to receive and have control of minors, in the discharge of the duties imposed on them, and to protect minors committed to, or held in, such institutions; also prescribing penalties for violations of this act.

[H B 69]

## Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That whenever any minor shall have been received into any reformative, corrective, or disciplinary institution in this State, authorized by law to receive and have control of such minor, to which it might have been lawfully committed by any court or justice of this State, or to which it may have been sent by the board of charities and corrections, such minor shall be deemed to be lawfully in the custody of such institution, whether the commitment thereto was regular or not, and shall only be discharged therefrom by the proper authorities of such

institution or by process of law.

Section 2. Any person desiring to contest the right of such institution to the custody of such minor shall do so only by habeas corpus proceedings, which may be instituted either in the county or corporation from which the minor was taken or in the city of Richmond. Upon the hearing of such proceeding the court may inquire into and determine the justice of the commitment to such institution, but shall not discharge such minor merely because of defects in the proceedings leading to such commitment, or in the commitment itself; but if such defects appear, the court shall proceed to correct such defects, and shall determine the matter according to the very right thereof.

Section 3. If any person shall trespass upon the premises or property of such institution, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars, or confined in jail not more than six months, or both.

Section 4. If any person shall knowingly entice, abet or encourage any minor in the custody of any such institution to escape therefrom; or, if after such minor shall have escaped therefrom, or be escaping therefrom, to continue such escape; or shall knowingly harbor or detain such minor, or knowingly furnish such minor with clothes, money of food for the purpose of aiding such minor in making escape without giving prompt notice thereof to the nearest justice of the peace, constable or police officer, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars, or confined in jail not more than twelve months, or both.

Section 5. If any person, while such minor is an inmate or under the control of such institution, or knowing that such minor has escaped, or is escaping therefrom, shall have, or attempt to have, illicit sexual intercourse with such minor, or shall receive, harbor or detain such minor for the purpose of concubinage or prostitution, or shall aid or assist any other person to do so, he may be deemed guilty of a felony, and upon conviction thereof may be confined in

Digitized by Google

the penitentiary not less than one nor more than five years, or the jury may, in their discretion, impose a fine not exceeding five hundred dollars or confinement in jail not exceeding twelve months, either or both.

CHAP. 296.—An ACT to provide for submitting to the qualified voters of the town of Potomac, in Arlington county, the question of annulling the charter of said town by repealing an act approved March 13, 1908, entitled an act to incorporate the town of Potomac, in the county of Alexandria; and to annul and repeal said charter upon a majority vote declaring against said charter.

[H B 520]

Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That on the third Tuesday in April next succeeding the passage of this act, there shall be submitted to the qualified voters of the town of Potomac, in Arlington county, at an election to be held as hereinafter provided, the question of annulling the charter of said town, incorporated by act approved March thirteenth, nineteen hundred and eight, entitled, an act to incorporate the town of Potomac, in the county of Alexandria. Said special election shall be held and conducted as elections for town officers are held and conducted, and all provisions of the law concerning the holding of such elections shall apply so far as the same may be applicable.

2. The ballots to be used in said election shall be as follows: "For annulling charter" and "Against annulling charter."

The manner of receiving and canvassing the ballots and making returns and abstracts thereof, shall in all respects conform to the requirements of the general election law, except that the certificate of the judges shall be as follows:

We hereby certify that at the el day of April, nineteen hundred and t were cast for annulling the charter an against annulling the charter.	wenty-two, votes
Clerks.	
	Judges.

3. The returns shall be canvassed in this election in like manner as in elections for town officers, and the canvassers shall certify the number of votes cast in said town for and against annulling the said charter respectively. A copy of such certificate shall be laid before the circuit court of the said county at its next term or before the judge thereof in vacation within thirty days after the date of the holding of the said election, who shall enter an order showing the result of said election.

- 4. In the event that a majority of the votes cast at said election shall be in favor of annulling the said charter, the said charter shall, on the first day of September, 1922, become null and void, and all of the corporate property of the said town shall thereupon become the property of Arlington county, to be controlled, managed and disposed of by the board of supervisors of said county to the same extent and in the same manner as other property of the said county in Jefferson magisterial district, and the board of supervisors of said county shall have and exercise within the territory now composing said town, all the rights, powers and privileges conferred, and shall be subject to all the duties, liabilities and restrictions now imposed by law for the government of other parts of said county; but such repeal shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right of any nature established, accrued or accruing under the jurisdiction of said town before the first day of September, nineteen hundred and twenty-two, or any prosecution, suit or proceeding pending on that day, but jurisdiction over all such matters shall thereupon be transferred to the county government of said county, and all records of said town shall be delivered to the clerk of the circuit court of the said county, and all offices held under the said charter shall become vacant, and the officers of said county shall have the same jurisdiction over the said territory as now exercised over other territory in Jefferson magisterial district, in said county, and all taxes that have already accrued under the said charter shall be collected by the proper officers of the said county to the same extent and in the same manner as taxes are collected in other parts of said Jefferson magisterial district, but nothing herein contained shall be construed to affect the liability of any officer of said town of Potomac or his surety for acts committed prior to the annulment of said charter, should the same be annulled, nor any claim of or against the said town, nor any contract of the said town, but the same may be enforced by or against the said board of supervisors in the same manner and to the same extent as the same could have been enforced against the town of Potomac. In the event that a majority of the votes cast at the said election shall be against annulling the said charter, the said charter shall remain in full force and effect as though the said election had not been held.
- 5. The returns of the election held hereunder shall be subject to the inquiry, determination and judgment of the circuit court of said county upon complaint of fifteen or more of the qualified voters of said town, of an undue election or false returns. The complaint shall fully set out the grounds of contest, and if any votes were improperly received or rejected, shall give a list of the said votes, with the objections to the action of the judges of election in receiving or rejecting the same. Two of the persons making the complaint shall take and subscribe an oath that the facts therein contained are true to the best of their knowledge and belief. The complaint shall be filed in the office of the clerk of the circuit court of said county. Notice of contest, stating that the complaint has been filed in the



clerk's office shall be given by posting the same at the courthouse door, and at the voting precinct in said town. Said complaint shall be filed and notice given within ten days after the election, otherwise the complaint shall not be valid. Any one or more persons who voted at the said election may within thirty days from the said election file in the said clerk's office an answer to the said complaint, in which any of the allegations of the same may be denied, and any statement made going to show the regularity of the said election and the propriety of the action of the judges of election in receiving or rejecting the votes set out in said complaint, and a list of the votes he or they will dispute. If no answer is filed to the complaint within thirty days from the election, no one shall be heard to deny the allegations of the said complaint, but the persons making the same shall prove the allegations thereof to the satisfaction of the court, which, at the next term after the expiration of thirty days from the said election, shall proceed to pass upon the said complaint, without a jury, upon such legal testimony as may be adduced by either party at the hearing of the case. In judging such elections and returns, the court shall proceed on the merits thereof, and decide the same on the Constitution and laws, and according to the rights of the case, and enter such order as will carry its decision into full and complete effect. judgment of said court will be final. When the complaint is answered, the costs shall be given in favor of the parties substantially prevailing.

6. An emergency existing, this act shall be in force from its passage.

CHAP. 297.—An ACT to amend and re-enact section 3 of an act entitled an act to create the city of Hopewell, in the county of Prince George; to provide temporary and permanent officers for its organization and management and to authorize the assessment and collection of revenue necessary for the permanent improvement and government of said city, approved February 26, 1916, as amended by an act approved March 20, 1920. [H B 436]

# Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That section three of an act entitled an act to create the city of Hopewell, in the county of Prince George; to provide temporary and permanent officers for its organization and management and to authorize the assessment and collection of revenue necessary for the permanent improvement and government of said city, approved February twenty-sixth, nineteen hundred and sixteen, as amended by an act approved March twentieth, nineteen hundred and twenty, be amended and reenacted so as to read as follows:

Section 3. (1) The municipal officers of the said city, in addition to the mayor and members of the council, shall be qualified voters of the said city, and shall be as follows: A clerk of the corporation court, an attorney for the Commonwealth, a commissioner of the revenue, a city treasurer, and a city sergeant, all of whom shall hold office subject to removal as provided by general law, until their

terms of office expire, and until their respective successors are elected and qualified. The said officers shall before entering upon the discharge of their respective duties, take and subscribe to the oaths required of public officers in this Commonwealth, and shall, in addition thereto, enter into and execute bonds in the following named penalties, payable to the Commonwealth of Virginia, and conditioned as provided by law, as follows: The commissioner of the revenue, a bond in the penalty of two thousand dollars; the city treasurer, a bond in the penalty of not less than twenty-five thousand dollars; the city sergeant, a bond in the penalty of not less than five thousand dollars; and the other of said officers in such bond as is provided for by general law; all of which said bonds shall be entered into before the corporation court of the said city or the judge thereof in vacation, with corporate surety deemed sufficient by the judge of the said court. The said officers shall have, possess and exercise all powers and duties, and be subject to all and single liabilities, conferred and imposed by general law upon like officers, respectively, in other cities of the first class in this Commonwealth. The compensation of the said officers shall be paid in monthly or semi-monthly instalments by the said city, except as herein otherwise directed, or by general law provided, and shall not, where the same is paid by the said city, exceed the following amounts for any one month: Clerk of the corporation court, fifty dollars: attorney for the Commonwealth, one hundred dollars; commissioner of the revenue. twentyfive dollars; city treasurer, twenty-five dollars, city sergeant, fifty dollars. If any vacancy arise in the offices of the attorney for the Commonwealth, clerk of the corporation court, city sergeant, city treasurer and commissioner of the revenue the same shall be filled by the judge of the corporation court. All persons as herein provided shall enter into and subscribe to the oaths, and execute bonds, as hereinbefore provided for.

(2) The office of city attorney being vacated and abolished by this act, the city council shall have authority to retain, or employ, such attorney, or attorneys, as may be necessary to protect the city's interest and to properly care for its legal business, and to agree with such attorney or attorneys, upon the retainers and fees to be paid for such services.

(3) The city council shall, in joint meeting, on the first Tuesday in September, nineteen hundred and twenty-two (or as soon thereafter as may be practicable), and bi-ennially thereafter, elect or appoint a special justice of the peace to be known as the civil and police justice, who shall hold office for a term of two years, beginning on the first day of November after his election or appointment, or until his successor is elected and qualified, unless sooner removed from office, as provided by general law. The city council shall, at the same time, appoint a second special justice of the peace, to be known as the substitute civil and police justice, whose term of office shall be concurrent with that of the civil and police justice. Said civil and police justice and substitute civil and police justice shall be qualified



voters of the city of Hopewell, and shall have practiced law in the State of Virginia at least two years before the date of their appointment. The said civil and police justice shall not, during his term of office hold any other public municipal office or State salaried office. Each of said justices shall, before entering upon the discharge of their duties, take and subscribe the oath required of public officers in this Commonwealth, and shall severally enter into bond, in the penalty of two thousand dollars, payable to the State of Virginia, and conditioned as the law directs with corporate surety deemed sufficient by the judge of the corporation court, in which court such bonds shall be made. Such civil and police justice shall receive such salary as the city council may determine, not to exceed one hundred and fifty dollars per month, which salary is to be paid in the same manner as the salaries of other officials are paid and, in addition thereto, shall receive such fees as may be earned by him in the trial or handling of civil matters, and such fees as earned by him in issuing criminal warrants and admitting persons to bail in criminal matters, provided that he shall not charge or receive any fees for issuing criminal warrants or admitting any person to bail when such services are performed during usual court hours. The compensation to be paid the substitute civil and police justice shall be the fees in civil and criminal matters earned by him, and for the days he holds court in the place and stead of the civil and police justice to try or hear criminal cases, there shall be allowed him an amount equal to the per diem salary of such civil and police justice; provided, however, that such allowance shall be deducted from the salary of the civil and police justice; provided further, that the said civil and police justice shall have an annual vacation of one month during each year, to be had between the first day of July and the thirtieth day of September, with pay. The court of such civil and police justice shall be kept open for the transaction of business every day in the year, except Sundays and legal holidays. The city council shall have the power to fill any vacancy arising in the office of the civil and police justice or the substitute civil and police justice. In the event of the failure of the civil and police justice to perform the duties of his office for any cause, the substitute civil and police justice shall perform the duties of said office. While acting as such either of the said justices may perform all acts with reference to the proceedings of the other in any matter, in the same manner, and with the same force and effect as if they were his own. The said justices shall be conservators of the peace within the corporate limits of the city and for one mile beyond such corporate limits, and the civil and police justice court shall have concurrent original jurisdiction with the corporation court for the trial of all offenses against the ordinances of the city, and in the trial of all such misdemeanors where justices are given original jurisdiction by general law, and shall have such concurrent jurisdiction with the corporation court of the city as is generally given justices by law. In all other criminal and in all civil matters the jurisdiction of the said court shall be the same as is given by law to the police

justices, the civil and police justices, the justices of juvenile and domestic relations courts, and justices of the peace, generally, except as is otherwise herein provided. Said civil and police justice and substitute civil and police justices shall collect all costs and fees required by law, to be paid, the amount of such costs and fees shall be the same as is allowed to justices of the peace by general law, except that said justices shall receive for issuing a warrant of arrest in a misdemeanor case one dollar, for issuing a warrant of arrest in a felony case two dollars, for issuing a search warrant in any case two dollars, for admitting any person to bail charged with a misdemeanor one dollar, for admitting any person to bail charged with a felony two dollars, for issuing a warrant or other claim of similar kind in a civil case one dollar, for trying any civil case when the amount or thing in controversy does not exceed one hundred dollars in value, one dollar, for each one hundred dollars additional or fractional part thereof in value, fifty cents, which said fee shall be taxed as part of the costs. Provided, that in all criminal cases tried before said justices, and in which there is a conviction, the said justice shall, if authorized by the council of this city tax as a part of the costs not more than one dollar as trial fee, and not more than two dollars as arrest and witness attendance fees, which fees, together with all fines collected, shall be accounted for according to general law and city ordinances, In all misdemeanor trials before either of such justices there may be an appeal to the corporation court of the city, as now or may hereafter be provided by law for appeals from judgments of justices. An appeal shall also be allowed from the judgment of such justice imposing a penalty for the infraction of any city ordinance, except in cases where the penalty imposed is a fine not exceeding ten dollars, in which case such judgment shall be final. In no civil cases triable before either of such justices shall a removal to any other court be allowed. An appeal from the judgment of either of such justices shall be allowed only in case where the amount or thing in controversy, exceeds twenty dollars in value, exclusive of interest; but no such appeal shall be granted unless and until the party applying for same shall have given bond in the amount, and with surety to be approved by such justice, to abide the judgment of the court to which the appeal is made. The said justice shall keep a civil docket book and a criminal docket book, on which shall be entered all cases tried and prosecuted before them, the proceedings had therein and the disposition of the same; which docket books shall be furnished by the city council. All papers connected with any proceeding before such justices, except such as may be removed on appeal, and such as in criminal matters may be required by law to be returned or lodged in the office of the clerk of the corporation court, shall be properly indexed, filed and preserved, the city council shall provide for such justices the necessary and proper books, forms and files, which shall be and remain the property of the city, and shall be turned over by such justices to their successors in office. The books and papers in such office shall be examined and audited at any time the council may see fit by such person, or persons, as the council may designate. The civil and police justice and the substitute civil and police justice may be removed or suspended from office by the corporation court of the city for any of the causes which warrant removal or suspension under general law. All proceedings for such removal, or suspension, shall be by order of, and on motion before the said corporation court, after reasonable notice to the justice to be affected thereby. Such justice shall have the right to de-

mand a trial by jury.

(4) The city council may select one justice, who shall give a bond in the penalty of one thousand dollars, conditioned according to law, and to be approved, with corporate surety, by the corporation court of the city, who shall have authority to issue summons and criminal warrants, returnable to, and be heard and determined by the civil and police justice or the substitute civil and police justice, and to bail persons charged with misdemeanors or violations of the city ordinances, and who shall be known as the issuing and bailing justice. His term of office shall be concurrent with that of the civil and police justice, and his compensation shall be the same fees allowed by this act to the civil and police justice for issuing warrants of arrest, search warrants, admitting persons to bail (in misdemeanor cases) and the same allowed by general law to justices of the peace for issuing summonses.

(5) The salaries of the elective officers of the city, not exceeding the amounts hereinbefore provided for, shall be fixed at a joint meeting of the council before their election, and at least six months before such officers assume their respective duties. Such salaries shall not be increased or diminished during their term of office. Failure to fix the salary as above stated shall entitle the elected officer to re-

ceive the same salary that his or their predecessor received.

(6) The city council shall have the power to establish, open, widen, grade, improve, construct, maintain, light, sprinkle and clean, public highways, streets, alleys, boulevards and parkways, and to alter or close the same; the said council shall also have the power and authority to make all necessary provisions to prevent accidents by fire; to designate such parts of said city as it may deem advisable within which no building or buildings of wood shall be erected or repaired, to regulate the erection of all buildings by ordinances and to order the removal of any building which shall hereafter be erected contrary to such ordinances or regulations at the expense of the builder or owner thereof and to cause any building which may be adjudged to be unsafe or dangerous to life or property to be taken down at the expense of the owner thereof. To acquire in any lawful manner in any county of the State, such water, lands and lands under water, as the council of said city may deem necessary for the purpose of providing any adequate water supply for said city and of piping or conducting the same; to lay all necessary mains; to erect and maintain all necessary dams, pumping station and other works in connection therewith. The enumeration of the particular powers



in this shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the said city shall have had, may exercise all other powers which are now or may hereafter be possessed or enjoyed by cities under the Constitution and general laws of this State. Providing, that this act shall be construed to be an exception to all other acts in so far as such other acts are in conflict herewith, and the judicial declaration of the invalidity of any provision, or the application thereof, shall not affect the validity of any other provision, or the application thereof.

CHAP. 298.—An ACT authorizing the school board of South Hill school district, in the county of Mecklenburg, to borrow money, not to exceed \$45,000, for building a school house in the town of South Hill, in said district.

[H B 507]

## Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That the school board of South Hill school district, in the county of Mecklenburg, be authorized and empowered to borrow money, not to exceed forty-five thousand dollars, the proceeds of such loan to be used for building a school house in the town of South Hill in said district.

2. The said loan shall be effected by issuing the bonds of the said school district, signed by the chairman and countersigned by the clerk of the said board; they shall be in denominations of one hundred dollars or multiples thereof; they shall bear interest at a rate not exceeding six per centum per annum, interest coupons attached, payable January first of each year; and they shall be made to mature at the end of twenty years from their date, but redeemable at any time after six months from their date at the option of the said board. The said bonds shall be a lien on all the school property in said district.

3. The said board shall have full power to negotiate the said bonds through an agent or by such other method as in its discretion may seem best; provided, however, that the said bonds shall be so

negotiated for no less than their normal or par value.

4. After issuing the bonds, or any of them, provided for in this act, when the first levy is made by the board of supervisors a tax shall be levied on all property subject to local taxation in said district, to pay interest on the bonds so issued and to create a sinking fund to redeem the principal thereof at maturity; and from year to year such levies shall be made on such property in said district until such debt, together with the interest thereon, is paid, the said levy to be made upon the recommendation of the said school board.

5. An emergency existing, this act shall be in force from its

passage.

CHAP. 299.—An ACT authorizing the convict lime board to borrow not exceeding fifteen thousand dollars on the lime grinding plant at Irvington; and in case the said loan cannot be effected, to lease the said plant for not exceeding two years; also authorizing the said board to sell the lime now in storage at said plant in any way it may consider to be to the best interests of the State.

[H B 517]

## Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That the convict lime board is hereby authorized and empowered to borrow not exceeding fifteen thousand dollars on the lime grinding plant at Irvington, Virginia, the loan to be a lien on all the property of said plant. The proceeds of such loan shall be used in repairing and operating said plant. If the said board is not able to effect the loan above authorized, it is hereby authorized and empowered to lease the said plant for a period not exceeding two years upon such terms and conditions as to the said board may appear proper.

2. The said convict lime board is also authorized and empowered to sell the lime already ground and now in storage at said plant at Irvington in any way that the said board may consider to be to the

best interests of the State.

CHAP. 300.—An ACT to amend and re-enact an act entitled an act to regulate the business of making small loans, by requiring persons charging directly or indirectly a greater rate of compensation than the conventional legal interest rate per annum on loans not exceeding three hundred dollars (\$300.00) to any person, to obtain a license; by prescribing the maximum amount of compensation which licensees may charge; by regulating assignments to licensees of salaries or wages earned, or to be earned; by prohibiting false or deceptive advertising concerning such loans; by fixing penalties for violation of certain provisions of this act; by prescribing certain duties of the chief examiner of the banking division of the State corporation commission in respect to licenses; repealing section 81 of the revenue act and all other acts, or parts of acts, inconsistent with the provisions of this act, approved March 23, 1918, sections 14, 16, 17 and 18 of which said act were amended and re-enacted by an act approved March 9, 1920. [H B 192]

# Approved March 20, 1922.

Whereas, there is and has long been conducted in this State an extensive business in the making of small loans of not exceeding three hundred dollars (\$300.00) to persons in need of funds to meet immediate necessities; and

Whereas, the conduct of such business has long been the cause of general complaint and of much hardship and injustice to the borrowers, and there is no regulation or provision of law which has proved effective for the protection of such borrowers and for the punishment of usurious money lenders; and

Whereas, it is recognized that the business of lending small sums of money upon security that is not acceptable to banks and financial institutions does and will exist and there is a real need for the enact-

ment of a law that will enable its continuance under proper supervision and restrictions; and

Whereas, it is desired to suppress the "loan shark" evil in this State by establishing and regulating the small loan business upon fair and lawful terms by providing for a bond, State license, official supervision and examination of the small loan business, thereby enabling reputable lenders to engage in the business; therefore this remedial act authorizing a maximum charge by licensees under this It is not intended to provide additional interest compensation for loans or money, or necessarily an interest rate higher than the conventional rate in this State, but to recognize that as the conduct of such loan business requires the special employment of persons to assist and investigate each application for a loan and to collect them when made; also to provide indemnity to licensees for the losses upon such loans to those who do not fully repay, to be contributed by those who do pay in full, thereby distributing the losses so that all borrowers who receive such loan accommodation shall bear the losses of their class, arising from inadequate security taken; therefore,

Be it enacted by the general assembly of Virginia, That an act entitled an act to regulate the business of making small loans, by requiring persons charging directly or indirectly a greater rate of compensation than the conventional legal rate per annum on loans not exceeding three hundred dollars (\$300.00), to any person, to obtain a license; by prescribing the maximum amount of compensation which licensees may charge; by regulating assignments to licensees of salaries or wages earned, or to earned; by prohibiting false or deceptive advertising concerning such loans; by fixing penalties for violation of certain provisions of this act; by prescribing certain duties of the chief examiner of the banking division of the State corporation commission in respect to licenses; repealing section eighty-one of the revenue act and all other acts and parts of acts inconsistent with the provisions of this act, approved March twentythird, nineteen hundred and eighteen, sections fourteen, sixteen, seventeen and eighteen of which said act were amended and re-enacted by an act approved March nineteenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Section 1. What loan business shall be regulated; license required to engage in.—No person, co-partnership or corporation shall engage in the business of making loans of money, credit, goods, or things in action in the amount or to the value of three hundred dollars (\$300.00) or less, and charge, contract for, or receive a greater rate of interest than six per centum per annum therefor, except as authorized by this act, and without first obtaining a license from the chief examiner of the banking division of the State corporation commission, hereinafter called the chief examiner.

Section 2. Application for license; particulars; what fee for year or less.—Applications for such license shall be in writing and shall contain the full name and address, both of the residence and place of business of the applicant, and if the applicant is a co-partnership,

of every member thereof, or a corporation, of each officer thereof; also the county or municipality, with street and number thereof, if any, where the business is to be conducted. Every such applicant, at the time of making such application, shall pay to the chief examiner the sum of one hundred dollars (\$100.00) as an annual license fee and in full payment of all expenses of examination under the administration of this act; provided that if the license is issued for a period of less than twelve months, the license fee shall be prorated according to the number of the months the said license shall run.

Section 3. Bond to State and surety required; one thousand dollars (\$1,000.00) penalty; conditions; official approval.—The applicant shall also, at the same time, file with the chief examiner a bond in which the applicant shall be obligor in the sum of one thousand dollars (\$1,000.00) with some surety company authorized to do business in Virginia as surety to be approved by the said chief examiner, which bond shall run to the State of Virginia for the use of the State, and of any person or persons who may have a cause of action against the obligor of said bond, under the provisions of this act, such bonds shall be conditioned, that said obligor will conform to and abide by each and every provision of this act, and the prompt payment of any judgment recovered against or for which said obligor may be liable under the provision of this act.

Section 4. When license shall issue; official by whom issued; when expires; not assignable.—Upon the filing of such application and the approval of said bond, and the payment of said license fee, the chief examiner shall issue a license to the applicant to make loans in accordance with the provisions of this act for a period which shall expire the first day of May, next following the date of said

issuance. Such license shall not be assignable.

Section 5. When additional bond may be required of licensee; failure to furnish.—If in the opinion of the chief examiner the bond of any licensee shall at any time appear to be insecure or exhausted or otherwise doubtful, an additional bond in the sum of not more than one thousand dollars (\$1,000.00), satisfactory to the chief examiner, shall be filed within ten days after notice to the licensee, and upon failure of the obligor to file such additional bond, the license shall be revoked by the chief examiner.

Section 6. License may be revoked for violation of act; hearing of complaint.—The chief examiner may, in his discretion, upon notice to the licensee giving particulars of any alleged violation or violations of this act and reasonable opportunity to be heard, revoke such license if the licensee has violated any provision of this act; provided that at least five days before such hearing, the licensee shall be notified of the nature of the evidence and the names of the witnesses on whose complaint the charge is being considered; the licensee may also submit a list of witnesses desired to appear in his defense, and they shall be officially notified to be present, such hearings may be adjourned, from time to time, for good cause, by the chief examiner, and at any such hearing he shall administer the usual oath or affirmation to

each witness and examine him in respect to his knowledge of any alleged violation of this act. If the licensee is found to have violated any of the provisions of this act, the chief examiner may revoke such license, and no such license shall be issued after a second revocation.

(a) Appeal from finding of the chief examiner to court of equity. -An appeal from such finding, or revocation of license, may be taken and the records and transcript of evidence be filed with a court having equity jurisdiction where such business is conducted, which court shall review the evidence and enter a decree according to the

merits of the matter involved.

(b) Revocation of license after second conviction.—In case the licensee shall be convicted by a court a second time of a violation of any of the provisions of this act, the chief examiner shall revoke said license, provided that the second offense shall have occurred after the prior conviction, in which case another license shall not be issued to such licensee nor to the husband or wife of the licensee. nor to any co-partnership or corporation of which he is a member or officer.

Section 7. Restrictions of trade name; one place of business under each license.—No person, co-partnership or corporation so licensed shall make any loan or transact any business provided for by this act under any other name or at any other place of business than that named in the license. Not more than one place of business shall be maintained under same license, but the chief examiner shall issue more than one license to the same licensee upon the filing of an additional bond and the payment of an additional license fee. Nor shall any person, co-partnership or corporation be licensed under the provisions of this act whose firm or corporate name shall contain any of the following words, "savings," "trust," "bank," "banker," "banking," "investment," or "building and loan." Every licensee licensed under the provisions of this act shall have as a part of his, her or its trade, firm or corporate name the words "small loan," which shall not be used disjunctively; provided, however, that this and the preceding sentence shall not apply to any person, co-partnership or corporation which was on the thirtieth day of April, nineteen hundred and twenty-two, licensed and doing business in Virginia under the provisions of the uniform small loan law.

Section 8. License to be posted; how and where.—The license shall be kept conspicuously posted in the place of business of the licensee, together with a copy of section fourteen of this act, or such part thereof as may be furnished to the licensee by the chief examiner.

Section 9. Changing place of business; official endorsement on license.—Whenever the licensee shall change his place of business, he shall at once give written notice thereof to the chief examiner, who shall attach to the license his approval in writing of the change.

Section 10. Official investigation of loans and business; right to enter offices and examine books, et cetera; may administer oaths.— The chief examiner for the purpose of discovering violations of this act or for the purpose of supervising the methods employed by the licensee, or for any other purpose deemed pertinent by the said chief examiner, may either personally or by any person designated by him, at any time and as often as he may desire, investigate the loans and business of every licensee and of every person, co-partnership and corporation by whom or from which any such loan shall be made, whether such person, co-partnership or corporation shall act or claim to act, as principal, agent, or broker, or under or without the authority of this act, and for that purpose he shall have free access to the office or place of business, books, papers, records, safes and vaults, of all such persons, co-partnerships or corporations. He shall also have the authority to administer oaths or affirmations to and to examine every person whose testimony he may require relative to such loans or the conduct of such business.

Section 11. Books and records; how to be kept; how long to be preserved.—The licensee shall keep such books and records in his licensed place of business as in the opinion of the chief examiner, will enable the chief examiner to know whether the provisions of this act are being observed, and the licensee shall install and use such methods and systems of bookkeeping and accounting in the conduct of his business as the chief examiner shall prescribe, which methods and systems the chief examiner may, from time to time, modify or change in his discretion. Further, it shall be the duty of the licensee to furnish promptly, by mail or otherwise, such facts and statements in connection with his business transacted in Virginia as the chief examiner may deem proper to require of him at any time. Every such licensee shall preserve the records of final entry used in such business, including cards used in the card system, if any, for a period of at least two years after the making of any loan recorded therein.

Section 12. License fees appropriated; how disbursed; official report to treasury.—All license fees herein provided for shall be collected by the chief examiner and shall be turned into State treasury. The State corporation commission shall have full power to employ such examiners or clerks to assist the chief examiner as it may, from time to time, deem necessary and fix their compensation, and all salaries and expenses necessarily incurred in the administration of this act shall be paid out of license fees collected and turned into the State treasury under the provisions of this act, upon the presentation of itemized vouchers, duly verified, and having the approval of said commission. The auditor shall issue his warrant on the State treasurer for such salaries and expenses, and the State treasurer shall pay the same out of said fees, and for that purpose the said fees are hereby appropriated for use during each fiscal year.

Section 13. False or deceptive advertisements prohibited.—No licensee or other person, co-partnership or corporation shall print, publish or distribute, or cause to be printed, published or distributed in any manner whatsover, any written or printed statement with regard to the rates, terms or conditions for the lending of money, credit, goods, or things in action in amounts of three hundred dollars (\$300.00) or less, which is false or calculated to deceive.

Section 14. Maximum interest charge; collection of interest regulated, and what charges prohibited; what may be reimbursed.—Every person, co-partnership or corporation licensed hereunder may lend any sum of money not exceeding in amount the sum of three hundred dollars (\$300.00) and may charge, contract for, and receive thereon interest at a rate not to exceed three and one-half per centum per month. Interest shall not be payable in advance or compounded, and shall be computed on unpaid daily balances. In addition to the interest herein provided for, no further or other charge or amount whatsoever for any examination service, brokerage, commission, fine, notarial fee or other things or otherwise shall be directly, indirectly, charged, contracted for, or received, except the lawful fees, if any, actually and necessarily paid out by the licensee to any public officer for filing or recording in any public office any instrument securing the loan, which fees may be collected when the loan is made or at any time thereafter, provided, however, that all notarial fees, including those for acknowledgments to deeds and other papers for recordation shall be at the expense of the lender, and under no circumstances shall the borrower be required to pay any notarial fee whatsoever.

(a) Loan void for excess charges.—If interest or charges in excess of those permitted by this act shall be charged, contracted for or received, the contract of loan shall be void, and the licensee shall have no right to collect or receive, any principal, interest or charges

whatsoever.

(b) Debt limited to three hundred dollars principal.—No person as principal shall owe any licensee at any time more than three hun-

dred dollars (\$300.00) exclusive of interest.

Section 15. Every licensee shall: (a) Each obligation to state amount and terms of loan.—State in every note, mortgage, assignment of wages, or other evidence of indebtedness the date of its execution, the amount of money actually lent, the compensation to be paid for interest, and the dates and amounts of repayment agreed

upon and the place where payable.

(b) Statement of loan to be delivered borrower; what particulars to contain.—Deliver to the borrower, at the time a loan is made, a pass book, or card stating in the English language in clear and distinct terms the date, amount and compensation for interest, and dates and amounts of repayments agreed upon, the nature of the security given, if any; also the names and addresses of both borrower and licensee. On the back of such pass book, or card, there shall be printed in English a copy of section fourteen (14) of this act, in type not smaller than eight point.

(c) Receipts for payments as made.—Enter in such pass book, or card, or give to the borrower a plain and complete receipt for all payments made on account of any such loan, at the time such pay-

ments are made, and show the amount of balance due.

(d) Upon repayment, obligations to be cancelled and surrendered with security pledged; mortgages to be satisfied; payment of surplus

on foreclosure.—Upon repayment of the loan in full, mark indelibly every obligation signed by the borrower with the word "paid" or "cancelled" and release any mortgage, cancel and return any note and any assignment given as security, and surrender any personal property, if pledged by the borrower. In the event of collection by foreclosure sale or otherwise, any surplus arising after the payment of the expenses of collection, sale or foreclosure and satisfaction of the debt, shall be paid and returned to the borrower or whomsoever is entitled to the same.

Section 16. Restrictions of obligations to be taken; what obligations or securities shall state; no instrument to contain unfilled blanks.—No licensee shall take any confession of judgment or any power of attorney; nor shall any licensee take any note, promise to pay, or security which does not state the actual amount of the loan, the time for which it is made, and the rate of interest charged; nor shall any licensee take any instrument in which the blanks are left to be filled in after execution.

Section 17. Restrictions of assignments of salary or wages; power of attorney forbidden; when written assent of wife required.— No assignment of or order for the payment of any salary, wages, commissions or other compensation for services earned or to be earned, given to the licensee to secure a loan shall be valid unless such loan is contracted simultaneously with its execution, nor shall any such assignment or order or any chattel mortgage, or other lien on household furniture then in the possession and use of the borrower be valid unless in writing signed in person by the borrower and not by an attorney, nor if the borrower is married, unless signed in person and not by attorney by both husband and wife, provided that written assent of a spouse shall not be required where the husband and wife have been living separate and apart for a period of at least five months prior to such assignment, order, mortgage, or lien.

(a) Collection of salary or wages under assignment restricted to ten per centum installments; regulations; notice to employer.—When collections under assignment of salary or wages, as herein provided for, is enforced by judgment or otherwise made or enforced, said collection shall be in installments from said salary or wages at such times as the same shall become due and payable by the employer, and no installment so collected shall exceed ten per centum of the amount of such salary or wages due the assignor at the time collection is made; nor shall any such assignment be valid as against the employer except, and from the time a copy thereof, verified by the oath of the licensee or his agent together with a statement of the amount unpaid upon such loan, is served upon the employer.

Section 18. Penalties for violation of this act.—Any person, copartnership or corporation and the several officers and employees thereof who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than six months, or by both such five and

imprisonment, in the discretion of the court.

(a) Rate of interest.—No loan for which a greater rate of interest, or charge than is allowed by this act, has been contracted for or received, wherever made, shall be enforced in this State and any person in any wise participating therein in this State shall be subject to the provisions of sections one, fourteen (a) and eighteen of this act.

Section 19. License not required by banks, trust companies and building and loan associations.—No license shall be required under this act for loan transactions of any person, co-partnership, corporation, bank, or association doing business under any law relating to banks, trust companies, building and loan associations and licensed pawnbrokers of this State, or of the United States, as they are already regulated by appropriate laws. Nor shall a license be required of loan transactions of any corporations which make loans at a rate not exceeding the conventional interest rate per annum, and which require the borrower to purchase certificate of investment equal in amount to the sum borrowed, and to pay therefor in uniform weekly installments of not less than fifty weeks; nor shall this act apply to loans for which real estate security is given, if said security is evidenced by mortgage or deed of trust.

(a) No person, co-partnership, or corporation, except as authorized by this act shall, directly or indirectly, charge, contract for, or receive any interest, or consideration greater than the legal contract rate per centum per annum upon the loan, use, or forbearance of money, goods, or things in action or upon the loan, use, or sale of credit, of the amount, or value of three hundred dollars (\$300.00) or less. The foregoing prohibition shall apply to any person who, as security for any such loan, use or forbearance of money, goods or things in action or for any such loan, use or sale of credit, make a pretended purchase of property, salary or wages from any person and permits the owner or pledgor to retain possession thereof or who by any device or pretense of charging for his services or otherwise, seeks to obtain a greater compensation than is authorized by this act.

Section 20. Citation of the act, or short title.—This act may be

cited as the uniform small loan law.

(a) How act is to be interpreted; uniformly with other States.— This act shall be so interpreted and construed so as to effectuate its general remedial purposes and to make uniform the laws of those States which enact it.

Section 21. What acts repealed; what act shall not apply to licensee.—That section eighty-one (81) of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine (189) of the Constitution, approved April sixteenth, nineteen hundred and three, as heretofore amended, is hereby repealed, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 22. By reason of the fact that the license year under this

act begins before this act could regularly become effective, an emergency exists, and this act shall be in force from its passage.

CHAP. 301.—An ACT to amend an re-enact section 2337 of the Code of Virginia, as amended by an act approved March 18, 1920. [H B 416]

#### Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-three hundred and thirty-seven of the Code of Virginia, as amended by an act approved March eighteenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 2337. Commissioner to extend levies and taxes; compensation therefor.—The commissioner shall extend in his land book and book of personal property the total of the county and district levies, as the case may be, including the road and school levies so as to show the aggregate amount of all such levies assessed against each person assessed with State taxes on said books. The commissioner of the revenue shall recapitulate the levies in such form as the auditor shall prescribe, and for this service he shall receive such compensation as the board of supervisors or council, as the case may be, may deem reasonable, but the same shall not be less than five per centum of the amount of taxes lawfully assessed for county, district and school purposes, or for city purposes, as the case may be, when the taxes assessed for such purposes shall not exceed ten thousand dollars, and when the amount exceeds ten thousand dollars the commissions allowed on excess shall be three and one-half per centum up to fifteen thousand dollars, and two and one-half per centum upon the amount in excess of fifteen thousand dollars and up to twenty thousand dollars and one and one-half per centum upon the amount in excess of twenty thousand dollars and up to sixty thousand dollars and one and one-fourth per centum upon the amount in excess of sixty thousand dollars and up to two hundred thousand dollars and one per centum upon the amount in excess of two hundred thousand dollars. except in cities the commissions in excess of thirty thousand dollars shall be one per centum. The rate of commissions prescribed in this section shall apply to assessments for the year 1922 and thereafter until otherwise provided by law.

### Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirteen of an act approved April sixteenth, nineteen hundred

CHAP. 302.—An ACT to amend and re-enact section 13 of an act approved April 16, 1903, entitled an act to raise revenue for the support of the government and public free schools and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section 189 of the Constitution, as heretofore amended.

[H B 113]

and three, entitled an act to raise revenue for the support of the government and public free schools and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution, as heretofore amended, be amended and re-enacted so as to read as follows:

Sec. 13. On every deed, except a deep exempt from taxation by law, which is admitted to record, the tax shall be ten cents on every hundred dollars or fraction thereof of such consideration or actual value; on deeds of trust or mortgages the tax shall be upon the amount of bonds or other obligations secured thereby. On deeds of trust or mortgage upon the works and property of a railroad or other internal improvement company, lying partly in this State and partly in another State, the tax shall be upon such proportion of the amount of bonds or other obligations secured thereby as the number of miles of the line of such company in this State bears to the whole number of miles of the line of such company conveyed by such deed; the tax on a deed of release shall be fifty cents; the tax on any deed of partition among joint tenants, tenants in common or co-partners, shall be fifty cents. The tax on every deed, contract or agreement shall be determined and be collected by the clerk in whose office it is first offered for recordation and may thereafter be recorded in the office of any other clerk without the payment of any tax.

On every contract relating to real or personal property, except as hereinafter provided, which is admitted to record, the tax shall be fifty cents where the consideration or value contracted for is three hundred dollars or less; where the consideration or value contracted for is over three hundred dollars, and does not exceed one thousand dollars, the tax shall be one dollar; where the consideration or value contracted for exceeds one thousand dollars there shall be paid ten cents additional on every hundred dollars or fraction thereof of such consideration or value contracted for, provided, however, that the tax for recording a deed of lease for a term of years shall be taxed according to the provisions of this section, except where the annual rental, multiplied by the term for which the lease runs, equals or exceeds the actual value of the property lease, then the tax for recording the deed of lease shall be based upon the actual value of the property at the date of lease.

On every contract or agreement relating to the sale of rolling stock or equipment (whether the title is reserved in the vendor or not), with a railroad corporation, or other corporation, or with a person, firm, or company, admitted to record, the tax shall be ten cents on every hundred dollars or fraction thereof, of the amount contracted for in such contract or agreement, except in the case of a railroad corporation lying partly in this State and partly in another State, in which case the tax shall be upon such proportion of the amount contracted for as the number of miles of the line of such railroad corporation in this State bears to the whole number of miles of line of such railroad corporation.

This act is not to be construed as requiring the payment of any tax for the admitting to record of any deed of trust, mortgage, contract, agreement, or other writing supplemental to any deed of trust, mortgage, contract, agreement, or other writing theretofore admitted to record, and upon which the tax herein imposed has been paid, hereinafter called the original instrument, where the sole purpose and effect of the said supplemental deed of trust, mortgage, contract, agreement, or other writing is to convey, set over, or pledge property, real or personal, in addition to the property conveyed, set over, or pledged in the original instrument, to secure or to better secure the payment of the amount contracted for in the original instrument; but in such case there shall be no tax for the admitting to record of said supplemental deed of trust, mortgage, contract, agreement, or other writing.

Any deed, contract, or will may be recorded in the same clerk's office when the record containing such deed, contract or will, has been

destroyed by fire or otherwise, free of tax.

2. To enable the recordation of leases now awaiting recordation under this law, an emergency exists, and this act shall be in force from and after its passage.

CHAP. 303.—An ACT to authorize the filing of notices of Federal tax liens with clerks of State courts, and to provide for the recordation and indexing thereof.

[H B 152]

Approved March 20, 1922.

- 1. Be it enacted by the general assembly of Virginia, That notices of Federal tax liens on real estate under the porvisions of section three thousand one hundred and eighty-six of the revised statutes of the United States, as amended by an act approved on the fourth day of March, nineteen hundred and thirteen, may be filed with the clerk of the court authorized to record deeds for the county or city wherein the land subject to such lien is situated. Such notices shall be recorded in the deed books and properly indexed. No fees shall be collected by the clerks of the courts for filing and recording such notices.
- 2. An emergency existing, this act shall be in force from its passage.

CHAP. 304.—An ACT to amend and re-enact sections 2215, 2228 and 2229 of the Code of Virginia, and to repeal sections 2226 and 2227 of the Code of Virginia.

[H B 332]

Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That sections twenty-two hundred and fifteen, twenty-two hundred and twenty-eight and twenty-two hundred and twenty-nine of the Code of Virginia be amended and re-enacted so as to read as follows:



Section 2215. General duties.—It shall be the duty of the State tax board:

- (a) To collect, digest and preserve information relating to the assessment and collection of taxes in this State and to ascertain the best methods of effecting equitable assessments and of avoiding duplication of taxation of the same property; and report to the general assembly such measures as will promote uniformity of assessments, just rates and harmony and co-operation among all officials connected with the revenue system of the State.
- (b) To exercise supervisory powers over examiners of records, commissioners of the revenue, assessors of lands, and all other tax officers.
- (c) To generally and specifically instruct examiners of records and other tax officers respecting the discharge of their duties in carrying out the laws of this State.
- (d) To investigate or cause to be investigated at any time whether examiners of records and other tax officers are performing their duties in obedience to the laws and the instructions of the State tax board.
- (e) To report tax officers to the circuit or corporation courts (except that in the city of Richmond the report shall be made to the hustings court, part one) for malfeasance, misfeasance, and neglect of official duty or for incapacity, and it shall thereupon be the duty of the court to summon at its next term any one so reported to show cause why he should not be removed from office.
- (f) To require reports and information at any time from examiners of records, and other tax officers, which reports and information shall be furnished promptly; also to summon in person or by registered mail before it at any time, to instruct or to procure information from examiners of records, commissioners of the revenue, assessors of lands or other tax officers.
- (g) To investigate at any time the assessment and collection of taxes in any county, town or city, and when any assessment is found to be unjust or unreasonable, to institute such proceedings in court as may be deemed necessary in order to correct such assessment by raising or lowering same.
- (h) To do all other acts not in conflict with the laws of this State which, in its judgment, are essential and necessary for the complete and proper discharge of its duties and for effecting such uniform valuations as will promote fairness and equality of assessments and taxation.

Section 2228. Duties of examiners of records in addition to other duties imposed by law upon them.—In addition to other duties imposed by law on the examiners of records, it shall be their duty:

(a) To review the reports of purchases made by merchants and to report for assessment additional license tax when their investigations disclose that such merchants have reported less than the law requires.

(b) To review the interrogatories of taxpayers in regard to intangible personal property, money and income and to report for assessment such additional intangible personal property, money and income when their review or investigation discloses that such property, money or income has not been reported for taxation or has

been reported at less than the law requires.

(c) To call upon and require taxpayers or their agents or any person, firm, or officer of a company or corporation to furnish information relating to intangible personal property, money or income, and merchants' license tax of any and all taxpayers; and to require taxpayers to furnish to them access to their books of account or other papers and records for the purpose of verifying the tax returns of such taxpayer and procuring the information necessary to make a complete report for assessment of any taxpayer's intangible personal property, money and income and merchants license tax.

(d) To perform such duties in connection with the ascertainment and report of the value of intangible personal property, money and income, and of the correctness of the reports of purchases by mer-

chants as are required of them by the State tax board.

(e) To make such reports to the State tax board as may be required by law or as the rules and regulations adopted by the said

board may require.

Section 2229. Penalty for refusal of taxpayer to furnish information and access to records to examiners of records touching ownership and value of intangible personal property, money and income and reports of purchases of merchants. - Should any taxpayer required to furnish to the examiner of records access to books of account or other papers and records, or should any taxpayer or his agent, or the officer of any company or corporation, or any other person required to furnish information to the examiner of records, or to answer under oath such questions touching the ownership and value of such intangible personal property, money and income, and reports of purchases of merchants, refuse to furnish such information, such taxpayer, agent, officers, or other persons shall be deemed guilty of a misdemeanor and shall be liable to a fine of not less than ten dollars nor more than one hundred dollars, and each day's refusal to furnish such access or information shall constitute a separate offense.

Sections twenty-two hundred and twenty-six and twenty-two hundred and twenty-seven of the Code of Virginia are hereby repealed.

Whereas, the freeholders of the town of South Boston, Virginia, voting at an election legally called and held on January fourth, nine-

CHAP. 305.—An ACT to validate the issuance of \$200,000 of bonds by the town of South Boston, Virginia, and to authorize the issuance of the same and to provide for the levy of a tax to pay the interest on said bonds and provide for a sinking fund.

[H B 521]

Approved March 20, 1922.

teen hundred and twenty-two, voted in favor of the issuance by the town of South Boston, of two hundred thousand dollars of bonds

for the following purposes:

Ninety thousand dollars of bonds for the purpose of funding the existing indebtedness of the said town of South Boston, now evidenced by notes and certificates of indebtedness issued by said town to contractors for street improvement work done in said town.

Sixty thousand dollars of bonds for the purpose of constructing a high school building in the town of South Boston, for the use of

the public schools of the town of South Boston.

Fifty thousand dollars of bonds for the purpose of laying and constructing a water and sewer line to the western part of the town

of South Boston, known as the West End, and

Whereas, acting in pursuance of the authority of said election, the council of the town of South Boston, on January thirteenth, nineteen hundred and twenty-two, passed an ordinance that the said bonds

should be isued; and

Whereas, it is the desire of the said town of South Boston that there be removed any question regarding the validity of the said bonds so to be issued, or the right and power of the council of the said town to issue the said bonds; and that the said bonds be declared valid by the general assembly of Virginia; and that there be conferred upon the council of the town of South Boston full power and authority to levy upon the property situate within the said town a tax sufficient to pay the interest on the said bonds and to provide a sufficient sinking fund to pay the said bonds at their maturity; therefore.

1. Be it enacted by the general assembly of Virginia, That the council of the town of South Boston may issue bonds of the town of South Boston in the aggregate principal sum of two hundred thou-

sand dollars, for the following purposes:

Ninety thousand dollars of bonds for the purpose of funding the existing indebtedness of the said town of South Boston now evidenced by notes and certificates of indebtedness issued by said town to con-. tractors for street improvement work done in said town.

Sixty thousand dollars of bonds for the purpose of constructing a high school building in the town of South Boston, for the use of

the public schools of the town of South Boston.

Fifty thousand dollars of bonds for the purpose of laying and constructing a water and sewer line to the western part of the town

of South Boston, known as the West End.

Said bonds shall be numbered consecutively from one upward, of the denomination of one thousand dollars each; shall be dated February first, nineteen hundred and twenty-two; shall be payable February first, nineteen hundred and forty-two, and shall bear interest at the rate of not exceeding six per centum per annum, payable semiannually, on the first day of February and August in each year after date of said bonds, and at the maturity of said bonds.

Said bonds shall be coupon bonds with the privilege of conversion

into registered bonds. They shall be signed by the mayor of said town and attested by the clerk of said town, and the corporate seal of said town shall be thereto affixed; and the coupons to be attached to said bonds shall be authenticated by the fac simile signatures of said mayor and clerk. Said bonds and coupons shall be substantially in the following form:

No. \_\_\_\_\_

\$1,000.00

# UNITED STATES OF AMERICA COMMONWEALTH OF VIRGINIA TOWN OF SOUTH BOSTON IMPROVEMENT AND FUNDING BOND.

Know all men by these presents: That the town of South Boston, a municipal corporation of the Commonwealth of Virginia, for value received, acknowledges itself indebted and promises to pay to the bearer, or, if this bond be converted into registered bond, to the registered holder thereof, the sum of one thousand dollars (\$1,000.00) on the first day of February, nineteen hundred and forty-two, together with interest thereon from the date thereof until the payment of the said principal sum, at the rate of \_\_\_\_\_ per centum per annum, payable semi-annually on the first day of February and August in each year and at the maturity of this bond, upon presentation and surrender of the annexed coupons as they severally become due, or, if this bond be converted into a registered bond, to the registered holder thereof. Both principal and interest of this bond are payable in gold coin of the United States of America of the present standard of weight and fineness, or its equivalent in value, at The National Bank of Commrece \_\_\_\_\_ in the city of New York, N. Y.

At the request of the holder this bond will, upon presentation to the treasurer of the town of South Boston, be converted into a registered bond, and the annexed coupons detached and cancelled, and the name of the holder entered hereon and in books kept in the office of said treasurer, and thereafter both principal and interest will be payable only to the registered holder thereof, and this bond will be transferable only upon presentation to said treasurer, with a written assignment duly acknowledged or proved, such transfer to be noted hereon and in said books.

This bond is one of an issue of \_\_\_\_\_\_\_bonds of like date and tenor, numbered from one to \_\_\_\_\_\_\_, inclusive, issued pursuant to section twenty-two of an act of the general assembly of Virginia entitled an act to incorporate the town of South Boston, in the county of Halifax, approved January thirtieth, eighteen hundred and eighty-eight, as amended, and pursuant to the affirmative vote of a majority of the freeholders who were registered voters and residents of said town, voting at an election duly called and held on the fourth day of January, nineteen hundred and twenty-two, and by virtue of an ordi-

nance entitled, "An ordinance authorizing an issuance of two hundred thousand dollars improvement and funding bonds, and providing for the payment of principal and interest on said bonds," duly adopted by the council of said town on the thirteenth day of January, nineteen hundred and twenty-two, and pursuant to an act of the general assembly of Virginia, approved \_\_\_\_\_\_\_\_.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the Commonwealth of Virginia to exist, to have happened and to be performed precedent to and in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of said town, is within every debt and other limit prescribed by the Constitution and laws of said Commonwealth, and the faith and credit of said town are hereby pledged irrevocably to the punctual payment of the principal and interest of this bond according to its terms.

In witness whereof, the town of South Boston has caused these presents to be signed by its mayor and attseted by its clerk, and its corporate seal to be hereunto affixed and the interest coupons hereto attached to be signed with the fac simile signatures of said mayor and clerk, and this bond to be dated February first, nineteen hundred and twenty-two.

	Mayor.
Attest:	
	Clerk.
(Seal)	(FORM OF COUPON)
on the first da States of Am or its equivale city of New Y due on its Imp	of South Boston, in Virginia, will pay to the bearer y of dollars in gold coin of the United crica of the present standard of weight and fineness in value, at the National Bank of Commerce, in the ork, N. Y., being months' interest them rovement and Funding Bond Number first, nineteen hundred and twenty-two.
	Mayor.
	Clerk.

(CONVERSION CERTIFICATE)

I hereby certify that upon presentation of the within bond, with a written request by the owner thereof, for its conversion into a registered bond, I have this day cut off and destroyed \_\_\_\_\_\_coupons attached hereto, numbered from \_\_\_\_\_ to \_\_\_\_\_.



and that within bond is	n the aggregate to (\$ s hereby converted into est hereof payable to _	a registered bond, with		
, assignee or legal representative				
		Treasurer.		
Dated	, 19 <u>-</u> '	=======================================		
Date of	Name of			
Registration.	Registered holder.	Registered by		
		Treasurer.		
		Treasurer.		
		Treasurer.		

Any bonds reciting that they are issued pursuant to this act, shall in any suit, or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions and statutes applicable thereto, and shall be incontestible, anything herein or in other statutes to the contrary notwithstanding, unless such suit, action or proceeding is begun prior to the delivery of such bonds.

2. Until the principal and interest on said bonds shall be fully paid there shall be levied and collected annually by tax on all property in the town of South Boston subject to taxation under the general laws of the State of Virginia, a sum sufficient to pay the interest on all of said bonds outstanding as it becomes due, and a further sum paid into a sinking fund sufficient to retire said bonds, at maturity.

3. In view of the present financial necessities of the town and the importance of issuing the said bonds promptly, an emergency is declared to exist and this act shall be in effect from its passage.

CHAP. 306.—An ACT to amend and re-enact section 2002 of the Code of Virginia, as amended by an act approved March 15, 1920. [H B 130]

#### Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That section two thousand and two of the Code of Virginia, as amended by

an act approved March fifteenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 2002. Pay of clerk of board.—The clerk of each board of supervisors shall receive for the duties to be performed by him under the provisions of this chapter compensation to be fixed and allowed to him by the said board, not to exceed fifty dollars per annum, provided, that the clerk of the board of supervisors of Madison county may receive a salary of not to exceed one hundred dollars per annum; and, provided further, that the clerks of the boards of supervisors of Norfolk, Nansemond, Pittsylvania and Wise counties may receive a salary not exceeding two hundred and fifty dollars, and the clerk of the board of supervisors of Augusta county may, in the discretion of the board of said county, receive a salary not exceeding seven hundred and twenty dollars per annum, the same to be paid out of the tax levied under section nineteen hundred and eightysix, and provided further that, whenever the judge of the circuit court of Arlington county, either in term or in vacation, shall deem it advisable to appoint a clerk to perform the duties of clerk of the board of supervisors of such county, other than the county clerk of such county, the court or judge shall enter an order in the minute book of said court to that effect and shall appoint some other person than the county clerk as clerk of such board of supervisors, whose term of office shall expire at the same time as the term of the members of the board of supervisors, and shall fix and determine his salary, which shall be designated in the order of his appointment.

CHAP. 307.—An ACT to authorize the city of Norfolk to establish underground drainage in a thirty-foot canal extending from Smith's creek to Yarmouth street, to close the said canal and use it for park and highway purposes, and to vest the city of Norfolk with the title of the State of Virginia therein.

[H B 300]

### Approved March 20, 1922.

Whereas the board of harbor commissioners for Norfolk, Portsmouth and Norfolk county, on July eighteenth, nineteen hundred and two, established a thirty-foot canal running from Smith's creek, in the city of Norfolk, Virginia, in a southwesterly direction to Yarmouth street, for the purpose of enabling the city of Norfolk to drain the territory contiguous to said drain, bounded by Dunmore street, York street and Yarmouth street; and

Whereas, the council of the city of Norfolk desires to establish an under ground culvert in said canal and to close and fill in said canal for the purpose of parking the same or using the same for a public highway, because of the unsanitary condition of the said canal; therefore.

1. Be it enacted by the general assembly of Virginia, That the council of the city of Norfolk is hereby authorized to construct an underground system of drainage in the said thirty-foot canal, through-

out its entire length, and to close said canal, throughout its entire length, and that all right, title and interest of the State of Virginia in said canal and the bed thereof is hereby vested in the city of Norfolk, in order that the same may be converted into a street or parkway, as to the council of the city of Norfolk may seem best.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 308.—An ACT to provide for the building and maintaining the public roads and bridges of Fauquier county, and further establishing the county as the road unit, and repeal any and all laws heretofore enacted for Fauquier county.

[H B 375]

Approved March 20, 1922.

- 1. Be it enacted by the general assembly of Virginia, as follows: A body to be known and designated as the "Highway commission of Fauquier county" (hereinafter referred to as the highway commission, or the commission), is hereby created in and for Fauquier county. The commission is hereby constituted a body politic and corporated, under the name and style aforesaid, the commission may sue and be sued, adopt a common seal, purchase or otherwise acquire and hold its property which may be necessary for the exercise of the power of the commission, and do any and all things which may be necessary for the proper accomplishment of the purpose specified in this act.
- 2. The highway commission shall be composed of the following five members, Thomas B. Glascock, E. Marshall Newton, R. K. Brown, T. S. Pilcher, and C. C. Claypool, to serve until the first Monday in December, one thousand nine hundred and twenty-three. At the general election to be held for the year one thousand nine hundred and twenty-three and at each general election to be held thereafter, for the election of county officers, there shall be elected by the qualified voters of Fauquier county five members of the highway commission, one from each district, to serve for a term of four years. The term of office of each member shall be deemed to continue until the election and qualification of his successor. If at the time of the election any one of the above named commissioners should be disqualified, or for any cause thereafter there shall be a vacancy in the commission, the remaining members thereof or members thereof shall appoint some person (or persons) who is a citizen and a taxpayer of Fauquier county to fill such vacancy, and the person (or persons) so chosen shall serve for the unexpired term. The members of the highway commission, before entering upon the discharge of their duties, shall take before the clerk of the superior court of Fauquier county the usual oath of office.
- 3. The highway commission shall meet at the court house in Fauquier within twenty days after the date on which this act takes effect and shall proceed to organize by the election of one of its members as chairman, and some competent person as secretary. The

commission shall hold a regular meeting at the court house in Fauquier on the first Monday in each month, and special meetings may be held at any time upon the call of the chairman or any two members of the commission upon two days' notice to the members who do not join in the call. The members of the commission shall receive as compensation while actually engaged in the performance of their duties the sum of ten dollars per diem and mileage; but no per diem shall be paid for more than one day in each month. The secretary shall receive such salary or per diem as the commission may provide and shall give such bond as the commission may determine.

4. The secretary of the commission shall keep a record and minutes of its proceedings in a book to be provided for that purpose, which book, together with all other records, papers and vouchers,

shall be at all times kept open to the inspection of the public.

5. There shall be elected by the highway commission annually a competent, skillful and experienced person, having practical experience in modern methods in road building, who shall be known and designated as the "superintendent of highways," and there shall also be elected annually (if the highway commission deems it to be necessary) a skilled and experienced civil engineer also experienced in modern methods of road building, who shall assist the superintendent of highways in the discharge of his duties as fixed by this act, and who shall be known and designated as the "highway engineer." The same person may be appointed both as superintendent of highways and highway engineer (if one be elected) shall be paid a just and reasonable compensation to be fixed by the commission and the salaries shall be paid out of the taxes to be levied and collected under this act.

6. Before entering upon the discharge of his duties the superintendent of highways and his secretary shall give bond in the penal sum of five thousand dollars, with the surety to be appointed by the commission, conditioned upon the faithful performance of his duties and the proper accounting for all funds which may come into his hands by virture of this act, which bond shall be approved by the commission, and filed with the secretary. In case such bond be given in surety companies, then the premiums thereon shall be paid by the commission from the road taxes to be collected under the provisions

of this act.

7. The highway commission, or the superintendent of highways under its direction and as its agent, shall have power and authority to employ and fix the rate of compensation of such overseers, foremen, laborers and other employees, as may be necessary to be employed to carry out the provisions of this act, and the persons so employed shall be at all times under the supervision and subject to the full authority of the commission and its agents and the commission shall have authority at all times to suspend, remove or discharge any of its employees, including the superintendent of highways and the highway engineer.

8. The highway commission shall perform all the duties which

have heretofore been performed, and exercise all the powers heretofore exercised by the board of supervisors of Fauquier county, or by the road officials of the several districts within said county, or any other body or persons now or heretofore acting under authority of existing laws, in any way relating to public roads and bridges of said county, whether under general law or by special statute, except as hereinafter provided; and the management and control of all public roads and bridges within said county shall be vested absolutely and entirely in the highway commission, except roads and bridges under the exclusive control and management of the authorities of an incorporated city or town, or the authorities of the State of Virginia.

The system of working the public roads of Fauquier county by districts, expending within each district the road taxes collected within that district, is hereby abolished; and hereafter all public roads in said county shall be worked, improved, maintained and repaired, and all public bridges built, cared for and kept up from the taxes and other moneys authorized by this act to be expended by the highway commission, and said taxes and other moneys expended for roads or bridge purposes in accordance with this act as the same may be necessary in any part of the county without respect to the district or section from which the taxes or other moneys were derived; provided, however, that in expending the receipts from road taxes to be levied and collected under the provisions of this act the highway commission shall disburse the same so that the public roads and bridges in each section of the county shall be kept in as good state of repair, so far as practicable, as the public roads and bridges are in other sections of the county.

10. Any person in Fauquier county who shall be convicted in any of the said courts of said county, whether circuit, justices', mayors or other courts, and sentenced to work on the public roads, shall be assigned into the custody and control of the highway commission of Fauquier county by the board of county supervisors of said county, or other authorities having charge of said prisoners, whenever the highway commission shall request said board of county supervisors or other authority so to do. Said prisoners while in the custody and under the control of the highway commission shall be employed on such road work or bridge work as may be deemed best by the highway commission. The expense of maintaining and guarding said prisoners while employed by the highway commission shall be paid out of the taxes levied for road purposes under the provisions of this act. The highway commission is hereby authorized and empowered to use the common jail of said county for safe keeping of said prisoners, or to build and keep a convict camp or camps for said purpose, and is also authorized and empowered to feed, clothe, maintain and guard said prisoners while they are employed.

11. In addition to the convict force, said highway commission shall have power and anthority to employ such free labor as may be necessary for the proper construction, maintenance and repair of the public roads and bridges in accordance with the provisions of this



- act. The commission shall also have full power and authority to engage, purchase, or hire such teams, tools, machinery and epuipment as may be necessary for use on public roads and bridges and to pay therefor reasonable compensation.
- 12. The highway commission shall also have power and authority to enter into contract with any person, firm or corporation for the construction, improvement, maintenance, or repair of any public roads or bridges of the county, and, in all cases where the judgment of the commission is necessary or desirable to require the contractor to give bond conditioned for the faithful performance of his contract.
- 13. In opening new highways, widening and straightening out old roads or repairing the same, the highway commission is hereby authorized through its agents to enter upon any land and build such highways. If the commission and the owner or owners of said land cannot agree as to the amount of damage, if any, the commission shall, either before or after the completion of the work, select one disinterested freeholder, who shall be a resident of the district in which the land is situated, and the said landowner shall have the power and authority to select one disinterested freeholder in said district and the two so selected shall have the power and authority to choose a third freeholder in said district, and the three persons so chosen shall go upon the land and assess the damages and benefits. The judgment of two of those chosen shall be the amount of damage and the commission shall pay said landowner; provided, in the case either party to said proceedings is not satisfied with the award of damages, they may appeal to the circuit court of Fauquier county, as in all other cases of appeal from inferior courts. No suit shall be brought by any landowner unless the same is commenced within six months after the completion of the road across the land of the claimant.
- 14. Before entering upon any land as authorized by section thirteen of this act, it shall be the duty of the highway commission, through its representative, to serve notice upon the owner or owners of said land, notifying them that the highway is to be located upon the land or that certain material is to be taken, as the case may be.
- 15. The highway commission shall have power to acquire by purchase gravel pits, rock quarries, and all materials, machinery, implements and property necessary or useful for the construction, improvement or repair of the public roads or bridges, under the charge of the commission.
- 16. The highway commission shall in each year, prior to the date on which the board of county supervisors of Fauquier county levies taxes for general county purposes (beginning in the year nineteen hundred and twenty-three) present to the board of county supervisors a statement of the rate of the special tax which the commission desires to have levied by the board of county supervisors for such year for the special purpose of constructing, improving, maintaining and repairing public roads and bridges under the provisions of this act; and the board of county supervisors shall levy said special tax at



said rate for said purpose upon all the taxable property in the county, provided, however, that the board of county supervisors shall not levy a special tax for said purpose at a rate greater than seventy-five cents on the one hundred dollars valuation of said taxable property. In the event that the highway commission shall fail or neglect to present such a statement in any year to the board of county supervisors, then the board of county supervisors shall levy such special tax at a rate not less than fifty cents on the one hundred dollars assessed

valuation of said property.

17. Fauquier county shall assume the payment of the principal and interest of all bonds or notes outstanding issued by Center district in Fauquier county for the purpose of construction, improving or repairing roads or bridges in said district; and it shall be the duty of the board of county supervisors of Fauquier county to levy annually a special tax upon all taxable property in said county for the special purpose of paying such principal and interest, or for providing a sinking fund for such bonds or notes, which tax shall be levied at a rate sufficient for said purpose and shall be in addition to all other taxes authorized to be levied by the board of county super-The power and duty to levy such special tax is hereby conferred and imposed upon the board of county supervisors for the reason that the charge and control of the roads and bridges for which the bonds and notes aforesaid were issued are transferred by this act from Center district authorities to the county authorities, and for the further reason that it would be inequitable to require Center district by or on whose behalf said bonds and notes were issued, to bear the whole burden of taxation for the purpose of paying said bonds and notes, as well as the burden of taxes required by section sixteen of this act.

18. All moneys on hand when this art takes effect, or thereafter received which were or shall be raised by Fauquier county from all districts therein for road or bridge purpose (other than moneys raised to pay the principal and interest of outstanding Center district bonds or notes), whether raised by taxation, bond issues, or otherwise, shall, upon the taking effect of this act, or when they are collected, be deposited with the county treasurer and kept by him in a separate fund or funds and paid out only upon written orders of the highway commission, signed by the superintendent and secretary of the commission. All road machinery, stock and implements and other road property owned or used by Fauquier county or by any district therein shall, upon the taking effect of this act, be turned over to the highway commission.

19. All moneys on hand when this act takes effect, or thereafter received, raised or to be raised by means of a tax levied on property or tolls in Center district for the purpose of paying the principal or interest of bonds or notes issued by such district for road or bridge purposes, shall, when this act takes effect, be deposited with the county treasurer of Fauquier county and placed by him in a separate funds to be used solely for the purpose of paying the principal and interest of said bonds and notes.

Digitized by Google

20. No commission shall be allowed to the county treasurer's office or to the board of county supervisors on account of the receipt or disbursement of the proceeds of the sale of any bonds, or on account of any moneys raised by special tax for road or bridge purpose or for the payment of the principal or interest of any such

bonds or notes issued for such purposes.

21. All special or local laws relating to the construction, improvement, or maintenance of public roads or bridges of Fauquier county or any district therein, including special or local laws authorizing the raising of moneys for said purposes, are hereby repealed. All laws and parts of laws in conflict with this act are also repealed. Nothing in this act, however, shall be held to invalidate any act done under such law, or to prevent the collection of any taxes levied under such law.

22. This act shall be in force and shall take effect when it shall have been ratified by the voters of Fauquier county at an election to be held in said county November seventh, nineteen hundred and twenty-two.

CHAP. 309.—An ACT to amend and re-enact all acts creating and amending the charter of the town of Waynesboro. [H B 510]

### Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That all acts creating and amending the charter of the town of Waynesboro, be, and the same are hereby, amended and re-enacted to read as follows:

Sec. 1. The territory contained within the limits of the said town shall be as follows, to-wit: Beginning at the corner of the corporation line of Basic City, at the northern boundary line of the right of way of the Chesapeake and Ohio railway, in the middle of South river, near the railroad bridge; thence in a southerly direction with the corporate line of Basic City to a point in the middle of South river near Patterson's mill-dam; thence along the middle of said river south to the intersection of Fifth street with said river; thence along Fifth street to its point of intersection with Locust avenue (as designated on the map of the Waynesboro company); thence with the line of said Locust avenue north to Second street; thence north to Sycamore alley, at its point of intersection with Plumb's alley; thence along said alley north across Main street, and out by the Waynesboro Creamery to the intersection at Hippert's with the New Hope road; thence northeast across the Albert Bush lot to the northern boundary line of the Chesapeake and Ohio Railway Company's right of way; thence along the line of said right of way in an easterly direction to the place of beginning.

Sec. 2. The town of Waynesboro, in the county of Augusta, as the same has been and hereafter may be laid off into lots, and streets and alleys, shall be, and the same is hereby, made a town corporate by the name of Waynesboro, and by the same shall have and exercise all the powers, rights, and privileges and immunities conferred upon towns of less than five thousand inhabitants by the laws of the Commonwealth of Virginia, so far as such laws do not conflict with

the provisions of this act.

Sec. 3. The administration and government of the said town shall be vested in a council of seven, who shall be electors of said town, one of whom shall be designated for mayor, and the remaining six for councilmen, to be chosen on the second Tuesday in June, nineteen hundred and twenty-two, and every two years thereafter, by the qualified voters of said town. The registration of votes in said town, and all elections for whatever purpose, shall be held as provided

by law.

On the first day of September next succeeding any regular election for mayor and councilmen the said mayor and councilmen shall qualify and enter upon the discharge of their duties, and shall remain in office until their successors are elected and qualified according to law. Three members of the said council and the mayor, or four members, one of whom shall be elected president pro tempore, shall constitute a quorum for the transaction of business. In case any two or more persons receive the same number of votes at any election for mayor and councilmen, the succeeding council shall determine by lot who shall be declared elected, and in case of vacancy in the office of mayor or councilmen by death, resignation or otherwise, the said council may fill said vacancy in the office of councilmen from the qualified voters of the town, and in the office of mayor, from the body of the council or the electors of the town.

Sec. 4. The mayor, as chief magistrate of the corporation, shall have all the powers, rights and privileges such office confers in the general laws governing towns of less than five thousand inhabitants; and in civil cases that may arise within the corporate limits he shall have and exercise all powers vested in justices of the peace by the laws of the State. The said mayor shall be president of the council, and as such he shall preside in all their meetings. The mayor or any three members may call a special session of the council. In case of a tie upon any question that may be before the council for consideration, the mayor shall have the casting vote. Any member of the council being absent from three regular meetings of the council may be removed from the same by the vote of four members thereof, and the place filled according to the provisions of this charter. In the absence or sickness of the mayor, one of the members of the council shall have the power and authority to perform all the duties of the mayor, such member to be designated by the other members of the council.

Sec. 5. The council shall at their first meeting, and every two years thereafter, elect from their own body, or the qualified voters of the town, a clerk and treasurer. It shall be the duty of the clerk to keep a fair and just record of the proceedings of the council, and to publish in such manner as the council may indicate the ordinances and by-laws that may from time to time be passed, for which services he shall have such compensation as the council may determine to be right and proper. The said treasurer shall receive and keep all moneys and other funds belonging to the corporation, and may pay out the same on the order of the council, drawn by the mayor, and attested by the clerk. The said treasurer shall be required to give bond, with approved security, in such penalty as the council may determine, payable to them and their successors for the benefit of the town, and shall publish a statement of all his receipts and disbursements at the end of each fiscal year. Said treasurer shall collect all taxes due the said town.

Sec. 6. The council shall also at their first meeting, and every two years thereafter, elect a sergeant, who shall also be the chief of police, and one or more police officers, who shall hold office for two years, or until their respective successors shall have been elected and qualified. The jurisdiction of said police force shall extend one mile beyond the corporate limits, but not within the corporate limits of the town of Basic City. The sergeant shall be a conservator of the peace, and in civil cases that may arise within the corporate limits he shall be vested with all the powers the laws of the State confer upon constables. He shall possess the like rights, distress and powers in collection of corporation taxes, service of process and return thereof, arising under authority of this act, and all laws made in pursuance of it, and shall be entitled to like fees and commissions as are allowed by the laws of the Commonwealth to the collectors and constables thereof for similar duties and services. sergeant shall execute bond, with approved security, in such penalty as the council may determine, payable to them and their successors in office, for the benefit of the town, conditioned for the faithful performance of his duties and payment over to them and their successors of all moneys and funds collected and received by him by virtue of his office. And he and his sureties, and his and their executors, and so forth, shall be subject to such proceedings, by motion or otherwise, before the circuit court of Augusta county, for the enforcement of the payment of such moneys and funds by him collected, or should have been collected, and received as aforesaid, at the suit or motion of said mayor; or other person entitled to do so; or said motion may be authorized by a majority vote of the council; and the council may by majority vote remove said sergeant or police officers for malfeasance in office, or neglect of duty, and elect others. or another, to fill the unexpired term.

Sec. 7. That said town, and taxable property and persons therein, shall be exempt and free from the payment of any county road tax or poor rates, and from contributing to any county expenses for any year in which it shall appear that said town shall, at its own expense, provide for its own poor, and keep the streets and roads in order.

Sec. 8. That for the purpose of maintaining the police regulations of said town, under the authority of this act, the jurisdiction of the corporate authorities shall be, and the same is hereby, made to extend one mile in a direct line from the corporate limits, except that it shall not extend within the corporate limits of Basic City.

Sec. 9. That the said council shall appoint an assessor, whose duty it shall be, during the month of February of each year, to assess the value of all personal estate within the corporate limits, which assessment shall form the basis of taxation of said estate. Said assessor shall also revise and correct the corporation land book of the previous year so that it will correspond with the corrected land book of the commissioner of the revenue of South River district, in Augusta county. He shall also issue license to all persons engaged in any pursuit, business, occupation, calling, profession or other purpose for which the State laws require or may require a license; and also to shows, and other public exhibitions within a mile of the corporate limits; but said power shall not extend within the corporate limits of the town of Basic City. The said council shall have power to levy and collect annually a tax, not in conflict with general law, on all real and personal property situated in said town, and on such other subjects as are or may be taxed by the revenue laws of the Commonwealth, but the rate of taxation shall not exceed one dollar and fifty cents on the one hundred dollars of the assessed valuation; and also a poll or head tax on dogs owned or kept in the corporate limits. The poll or head tax for each year shall be fifty cents on each person over twenty-one years of age. Nothing herein contained shall be construed to permit any form of taxation prohibited by the general laws of the State, or to authorize the said council to tax any subject of taxation at a greater rate than towns are authorized to levy upon such subject under the general laws of this State concerning the segregation of taxable subjects.

Sec. 10. The tax on dogs shall be one dollar on each male dog and spayed female, and two dollars and fifty cents for each unspayed

female dog.

Sec. 11. That all persons in pursuit of any trade, calling, occupation or profession, and residing in the corporate limits on the first day of May of any year, shall be liable to taxation under this act; and all persons entering into any trade or profession, or so forth, after the first day of May in any one year, shall be liable to a pro rata of taxation. Nothing herein contained shall be construed to authorize the requirement of a license or imposition of a tax in any case where such requirement or imposition by cities and towns

is forbidden by general law.

Sec. 12. The said council shall have power and authority to make all necessary provisions to prevent accidents by fire, such as the purchase of fire engines, hook and ladders, and other fixtures useful for such purposes. They shall have power to provide the town with water, by means of wells, pumps and water works, or in any way by them deemed to be for the best interest, comfort and safety of the town, and for such purpose may levy and collect a water tax, to be imposed on each head of the family, or other persons using water from the town wells, springs, hydrants and other water systems; said water tax to be in proportion to the amount of water used by each family or person using water from the town wells, hydrants and so forth; the power to light the town with gas; oil, or electricity.



They shall have power to provide for the interment of the dead, and to regulate the same. They may also establish a market, and make ordinances for the management thereof. They shall have power to open any new streets and alleys, to widen, grade, pave and improve existing streets, sidewalks, alleys, gutters and bridges, and may close any street or alley. They shall have power to prevent the obstruction of streets, alleys, sidewalks, gutters, and so forth, by the hitching of horses, standing for wagons, or by any other obstruction whatever, by imposing a reasonable fine for such offenses. They may also punish, by fine, the firing of guns, or pistols, the setting fire to powder or other combustible or explosive material, the running and fast driving of horses and other animals on the streets and alleys, and all else detrimental to the peace and good order of the town. They shall have power to prescribe rules for the orderly building of houses and their proper location, such as stables, water-closets, hog-pens, cattle sheds, as well as dwellings, stores and shops, and to establish fire limits and to prescribe the character and material of buildings which may be erected therein. They shall have power to prohibit all animals from running at large, and beyond their owners' premises, and to pass all by-laws and ordinances not contrary to the Constitution and laws of the Commonwealth and of the United States, which said council may deem necessary for the carrying into effect such powers and privileges as have or may hereafter be vested in them. shall also have power before the mayor or acting mayor, to regulate the police, and to enforce all laws, by-laws and ordinances of the said town by a penalty not exceeding the penalty fixed by the Commonwealth for like offenses; said penalty or fine to be paid into the corporation fund. They shall have power to amend or repeal any by-laws, ordinances, or remit any fine that may seem proper and just. Any ordinance or by-laws may be enforced by fine or imprisonment, or both, or in lieu of fine, by labor in chain-gang, or otherwise, at the discretion of the mayor.

Sec. 13. The said council shall have power to regulate the erection and keeping in proper condition of chimneys, stoves and stovepipes, and to abate and remove all nuisances at the expense of those who occasion them; and for the violation of any police law, other than capital crimes and penitentiary offenses, and for the violation of any special law relating to said town and not enumerated in this act, the said council shall have power to impose fines and collect the same, not to exceed fines imposed by the State law for like misdemeanors, and may add to said fines imprisonment or hard labor, not to exceed the punishment imposed by the laws of the Commonwealth for like offenses. And all such fines shall constitute a part of the corporation fund.

Sec. 14. The said council shall have the power, whenever they may deem it expedient, to lay sewers and to have the sidewalks, footways, and gutters along any street or alleys in said town, as of such widths as they may prescribe, properly paved or otherwise suitably improved, altered or repaired, as they may think fit, and for such purposes may levy and collect a special tax from the abutting prop-

erty owners; provided that an ad valorem tax be imposed upon abutting vacant lots, and where there are improvements such as residences or business houses, the town shall bear one-half of the expense of constructing new sidewalks, and other improvements and conveniences above specified, and such abutting property owners shall be assessed to pay the other half, which assessment shall be proportioned to the number of feet that such property fronts the said improvements or conveniences. Such special tax shall be collected in the same manner as other taxes are collected, and in all cases where a lessee or tenant shall pay such special tax it shall be an offset or credit against a like amount of rent then due or that may thereafter accrue.

Sec. 15. All taxes, whether general or special, assessed upon any property in said town, under the provisions of this act, are hereby declared to constitute a lien on such property; and if the sergeant or other legally authorized collector has not been able, with due diligence to collect the said taxes by the first day of June of the succeeding year next after same were assessed, he shall at the first meeting of the council thereafter make return upon oath of the taxes he has so failed to collect, and the property upon which said uncollected taxes were assessed, and thereupon the council shall have the right to proceed in the same manner against the property so returned delinquent as the Commonwealth of Virginia has in similar cases; and the clerk of the council and the treasurer of the town shall be clothed with the same powers and be subject to the same provisions of the law as are given to and govern clerks of the county courts and treasurers of the counties in like cases; and in the sale of such delinquent property the clerk of the council and the treasurer of the town shall conform to the State law in such cases made and provided in all particulars, except that the sale of such delinquent property shall take place in front of the treasurer's office in Waynesboro on the fourth Wednesday in December next after the property is returned delinquent as aforesaid. The clerk of the council shall be empowered to execute deeds for property sold under the provisions of this section.

Sec. 16. The said council shall have power to provide for the order and quiet of the Sabbath, to punish drunkenness, swearing, boisterous conduct; any interference with religious worship, and any other offense against decency and good morals, by proper penalties.

Sec. 17. The said council shall have power to take private property for public use, provided they shall pay a proper compensation for the same. If, however, the owner or owners of such property object, or will not agree to receive a proper price, the said council may proceed to condemn such property in the manner prescribed by the Commonwealth for the condemnation of private property for public use.

Sec. 18. The said council shall have power to regulate and provide for weighing and measuring hay, wood, coal and other articles sold or for sale in said town.

Sec. 19. All fines, penalties and amercements, and other moneys

raised and received by virtue of this act and not otherwise directed to be applied, shall be at the disposal of the said council for the benefit of the town. All officers now holding office under this charter shall continue to discharge the duties of their offices until their successors are elected and qualified.

Sec. 20. The said council shall have power to fix and regulate the compensation and salaries of officers, and the wages paid for

the hire of teams, labor, and so forth.

Sec. 21. All acts and parts of sections of any charter of said town heretofore approved, except special laws relating to said town and

not enumerated in any charter act, are hereby repealed.

Sec. 22. The council may, in the name of and for the use of the town contract loans, or cause to be issued certificates of debt or bonds; provided no such certificates of debt or bonds shall be issued except by a majority vote of the council, endorsed by a majority vote of the qualified voters voting on the question, at an election which shall be held for the purpose. The manner of holding such election shall conform to the State law governing elections at the time such election is held. Such loans, certificates, or bonds, made or issued under the foregoing provisions, shall not be irredeemable for a period greater than thirty-five years; and, provided further, that any or all of any designated series of such loans, certificates, or bonds, may be redeemable at the option of the town council after ten years from the date of issue. The council shall provide for a sinking fund of such proportion of the revenue of the town as shall be equal in cash value to and not exceeding one-thirtieth of any loan, certificates, or bonds so made or issued. All bonds issued under the provision of this section shall be regularly numbered and signed by the mayor, clerk and treasurer, and recorded in a book kept for that purpose. Said council shall not contract such loans or issue such certificates of debt or bonds for the purpose of subscribing to the stock of any company incorporated for a work of internal improvement or other purposes, without first being authorized to do so by a majority of the freehold voters of the town voting on the question; provided further, that in no case shall the aggregate debt of the town at any one time exceed seventeen per centum of the assessed value of the real property within the town limits; and provided further, that the said council shall not endorse the bonds of any company whatsoever without the same authority. This section shall not be so construed as to prevent the council of said town from issuing certificates of debt for necessary current expenses or for sums of money provided for by annual taxation.

Sec. 23. All contracts for the erection of public improvements within the jurisdiction of the town council shall be let to the lowest responsible bidder, and notice shall be given at least thirty days before the work is finally let, by advertisements in a newspaper published in the town or county; and the party to whom said contract shall be let shall give such bond as the council may require; but in an arrowal shall any contract be let to any member of the town council, shotoskall any member have any personal interest in such contract.



The council of said town may in their discretion contract with any person or corporation to exempt the property and capital invested or to be invested for manufacturing purposes within the corporate limits of Waynesboro from all corporation taxes for a period of not more than ten years.

Sec. 24. The council of the town of Waynesboro may provide, by its ordinances, such rate of speed for railway trains running through its corporate limits as may be deemed proper for the safety of citi-

zens and property.

The town shall, if the council so elect, be constituted Sec. 25. a single and separate school district, and the council shall have the power to appoint three school trustees to serve one, two and three years, respectively, and annually thereafter it shall appoint a school trustee for said district to serve for three years.

Sec. 26. The council shall have power to make such ordinances, orders, by-laws and regulations as they may deem necessary to secure the inhabitants from contagious, infectious or other dangerous diseases; to establish and erect and regulate hospitals; to provide for and enforce the removal of patients to and confine and maintain the same in said hospitals; to appoint and organize a board of health for the town with the authority necessary and proper for the prompt and efficient performance of its duties.

Sec. 27. This act shall not be construed to repeal or in any wise affect the act of the general assembly of Virginia, approved February the fifth, eighteen hundred and ninety-four, entitled an act to enlarge the powers of the corporation of Waynesboro, Virginia, in regard

to the interment of the dead.

An emergency existing, this act shall be in force from its passage.

CHAP. 310.—An ACT to amend and re-enact section 11 of an act entitled an act to provide for the preparation and review of estimates for expenditures and revenue, and to establish a budget system for all State departments, bureaus, divisions, officers, boards, commissions, institutions, and other agencies and undertakings receiving or asking financial aid from the State of Virginia, approved February 19, 1918.

# Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That section eleven of an act entitled an act to provide for the preparation and review of estimates for expenditures and revenue, and to establish a budget system for all State departments, bureaus, divisions, officers, boards, commissions, institutions, and other agencies and undertakings receiving or asking financial aid from the State of Virginia, approved February nineteen, nineteen hundred and eighteen. be amended and re-enacted so as to read as follows:

Sec. 11. The governor shall be the chief budget officer of the State and he shall appoint a deputy budget officer to be known as the director of the budget, who shall serve, at the pleasure of the governor, for a term of four years beginning on the first day of March next after the inauguration of the governor. The governor also shall appoint such other competent budget assistants and special help as may be required to carry out the provisions of this act. The director of the budget and such other budget assistants and employees shall receive the compensation provided by law.

CHAP. 311.—An ACT to authorize the board of supervisors of Buchanan county to borrow money and issue bonds of the said county for the purpose of constructing, reconstructing and maintaining the public roads and bridges of said county, and providing how the proceeds of said bonds shall be expended; also authorizing the said board to levy taxes to pay the interest on such bonds and to create a sinking fund for their payment at maturity, and refund the same.

[H B 176]

Approved March 20, 1922.

Be it enacted by the general assembly of Virginia, That the board of supervisors of Buchanan county be, and is hereby authorized and empowered from time to time, as it may deem expedient, to issue bonds of the said county not to exceed in the aggregate the sum of three hundred thousand dollars. The said bonds shall be signed by the chairman of the board of supervisors and countersigned by the clerk under the seal of the board; shall be in denominations of one hundred dollars or some multiple thereof; shall bear interest at a rate not exceeding six per centum per annum, payable semiannually on the first day of December and June of each year at the office of the treasurer of said county, and shall be payable not exceeding thirty years from the date thereof at said office, but may, in the discretion of the said board, be made payable or redeemable at such time or times within said thirty years and upon such notice as the said board may prescribe and stipulate upon the face of the bonds when issued. The board shall deliver them to the treasurer of the county, who shall deliver said bonds to the purchasers thereof, or their order, upon the payment of the price thereof. The said treasurer and his sureties shall be liable for the amount received for said bonds as though it were a county levy.

The said treasurer shall receive, as compensation for his services hereunder, not exceeding one-fourth of one per centum of the amount thus coming into his hands, and also the reasonable cost to him of giving surety on such additional bond or bonds as may be required

of him, if any, on account of his receipts of said funds.

The board of supervisors of Buchanan county may appoint an agent or agents to sell said bonds, provided that said bonds shall be sold to be paid for in lawful money only, and shall not be sold at a price that will net the county less than par value. When such a sale of bonds has been negotiated, the board of supervisors shall issue the same.

The board of supervisors is hereby authorized and empowered to apply any part or all of said sinking fund to the payment or purchase of any of said bonds, at any time, and all bonds so paid off or purchased by said board of supervisors shall immediately be can-

celed, and shall not be reissued.

The said board of supervisors shall have the right to use twentyfive per cent. of the funds derived from the sale of said bonds for the purpose hereinbefore specified independently of the State highway commissioner or the State highway commission, and for said purposes may employ such engineers as it chooses and may either let said work to contract or cause it to be performed in such other manner as it may choose; said board of supervisors may expend seventy-five per cent. of the funds derived from the sale of said bonds, or any part thereof, in the construction, permanent improvement, repairing or resurfacing of said roads, or any or all of them, under such supervision or control of the State highway commission, or the State highway commissioner, as will entitle said county to receive the benefit of State aid funds for the money to be expended, or spend the said sum under the provisions of chapter one hundred and eightyfour of acts of the general assembly of Virginia, approved March fifteenth, nineteen hundred and twenty, entitled an act to anticipate by counties, or otherwise, the construction of the State highway system.

Twenty-five per cent. of the proceeds of the bonds provided for in this act shall be expended by the board of supervisors for the purpose of constructing, reconstructing and maintaining the public roads and bridges of Buchanan county and the several magisterial districts

thereof.

The said board of supervisors shall annually levy a tax upon all the property in and taxable by said county at such rate, not in conflict with general law, as will be sufficient to pay the interest on such bonds and create a sinking fund for the payment of the principal thereof at maturity.

An emergency existing, this act shall be in force from its passage.

CHAP. 312.—An ACT to amend and re-enact sections 3481 and 3507 of the Code of Virginia, as amended by an act approved March 25, 1920. [H B 415]

#### Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That sections thirty-four hundred and eighty-one and thirty-five hundred and seven of the Code of Virginia, as amended by an act approved March twenty-fifth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Section 3481. Justices of the peace.—(1) For taking and certifying the acknowledgment of any deed or other writing, fifty cents.

(2) For administering and certifying an oath, unless it be the affidavit of a witness, or acknowledgment of bail, or issuing process of attachment, twenty-five cents.

(3) For taking and certifying affidavits or depositions of witnesses, where done in an hour, one dollar.

: (4) If not done in an hour, for any additional time, at the rate

per hour of seventy-five cents.

- (5) For issuing any warrant in which the Commonwealth is not plaintiff, including the issuing of subpoenas, fifty cents, provided, however, in cities between one hundred thousand and one hundred and seventy thousand inhabitants by the last United States census the charge shall be one dollar.
- (6) For trying and giving judgments on such warrants, including swearing witnesses, taxing costs and issuing executions, one dollar.
  - For each additional justice sitting in such a case, one dollar.
- (8) For other services, a justice of the peace shall have the same fees as the clerk of a circuit or city court for like services.

(9) When a justice attends a trial and the case is continued to another day, the justice shall be entitled to a fee of fifty cents to be

paid by the party asking for the continuance.

Section 3507. To a justice of the peace.—In counties and towns, and in cities of less than twenty-five thousand inhabitants as shown by the last United States census, the fees of justices of the peace shall be as follows:

For issuing warrant of arrest, one dollar.

For trying or examining a case of misdemeanor, two dollars.

For examining a charge of felony, two dollars.

For admitting any person to bail, one dollar, provided, however, in no case shall this payment be made out of the State treasury.

For issuing a search warrant, one dollar.

In cities of twenty-five thousand or more inhabitants as shown by the last United States census, the fees of the justices of the peace shall be as follows:

For issuing warrant of arrest, fifty cents.

For trying or examining a case of misdemeanor, one dollar.

For examining a charge of felony, one dollar.

For admitting any person to bail, one dollar, provided, however, in no case shall this payment be made out of the State treasury.

For issuing a search warrant, one dollar.

No justice in any county, city or town shall issue more than one warrant against a number of persons charging them separately with an offense of the same nature (a justice shall include in one warrant the names of all parties defendant charged with an offense of the same nature, committed at the same time), nor shall a justice receive more than one fee for issuing more than one warrant of arrest or search warrant, or trying or examining more than one case of misdemeanor, or examining more than one charge of felony against the same party defendant, when said warrants are issued or trials or examinations had on the same day.

The said fees shall be in full for all services rendered in each case by

a justice, but shall not be allowed or paid by the auditor of public accounts without a certificate of the judge of the court, allowing the account, that he has actually examined the papers upon which the account is founded and is satisfied that the warrant was issued and trial had or examination made as shown in the account. The police justice or other justice having similar jurisdiction and receiving a salary of a city shall not be entitled to receive out of the State treasury the fees provided in this section, but every such justice shall be paid by the city for which he is employed. But if any such warrant of arrest for a misdemeanor or felony, or a search warrant, be had or procured at the instance of a prosecutor (other than a public officer charged with the enforcement of the laws) and be dismissed or the accused discharged from accusation, the justice or justices before whom the proceeding is, may give judgment against the prosecutor in favor of the accused for his cost, and must do so, if the justice or justices believe from the evidence that said proceeding was procured by said prosecutor through malice or without reasonable and probable cause.

CHAP. 313.—An ACT to appropriate \$1,000, or so much thereof as may be necessary, to the Matthew Fontaine Maury Association for the purpose of placing a marker and tablet to the memory of Matthew Fontaine Maury in Goshen Pass, Rockbridge county, Virginia. [S B 252]

## Approved March 20, 1922.

Whereas, this general assembly in nineteen hundred and twenty appropriated ten thousand dollars for the purpose of aiding in the erection of a monument to the memory of Matthew Fontaine Maury; and

Whereas, it was the dying wish of the said Matthew Fontaine Maury, true to the last to his love for the beautiful in nature, that his remains be carried to his final resting place "through the Goshen Pass when the myrtle and the ivy are in bloom," and

Whereas, it would seem fitting that some permanent memorial be established in honor of this great Virginian in that section of Virginia so dear to his heart where the closing years of his life were

spent; now, therefore,

1. Be it enacted by the general assembly of Virginia, That one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not othewise appropriated to the Matthew Fontaine Maury Association, the said sum to be used for the purpose of placing an anchor, or other suitable marker, and a tablet with appropriate inscription, in the Goshen Pass, Rockbridge county, to the memory of Matthew Fontaine Maury, and to be paid by the treasurer of Virginia on warrants of the auditor of public accounts, issued upon certificates of the president of the said association, countersigned by its treasurer.

CHAP. 314.—An ACT to make an appropriation of fifteen thousand dollars, to be used by committee of R. E. Lee Camp, No. 1, Confederate Veterans, viz.: E. D. Taylor, W. B. Freeman and W. McK. Evans, to aid in entertaining the United Confederate Veterans who will assemble on June 20, 21, 22, 1922, and to appropriate three thousand dollars to aid in entertaining Confederate Veterans of Virginia at the unveiling of the statute of Robert E. Lee in Charlottesville.

[S B 76]

Approved March 20, 1922.

Sec. 1. Be it enacted by the general assembly of Virginia, That the sum of fifteen thousand dollars be, and is hereby, appropriated for the purpose of aiding in entertaining in Richmond on June twentieth, twenty-first and twenty-second, nineteen hundred and twenty-two, the United Confederate Veterans, who will hold their annual re-union at that time and place, and there is hereby appropriated the futher sum of three thousand dollars for the purpose of entertaining in Charlottesville, in the summer or fall of nineteen hundred and twenty-two, the Confederate Veterans of Virginia, who may attend the unveiling of the equestrian statue of Robert E. Lee.

Sec. 2. The auditor of public accounts is hereby authorized and directed to draw his warrants on the treasurer of Virginia, payable out of any funds not otherwise appropriated, to the order of E. D. Taylor, W. B. Freeman and W. McK. Evans, a committee of R. E. Lee Camp, Number One, Confederate Veterans, and the said committee shall use and expend the said sum of money for the purpose of aiding in the entertainment of the United Confederate Veterans at the time and place above mentioned, and will make a report of how they shall have expended the said sum of money to the auditor of public accounts within thirty days after the adjournment of said reunion.

Said auditor is authorized to draw his warrants for said sum of three thousand dollars on the treasurer of Virginia, payable out of any funds not otherwise appropriated, to the order of C. B. Linney, T. E. Powers, Hollis Rinehart, Henry Clay Michie and G. R. B. Michie, a committee of John B. Strange Camp, Confederate Veterans, and the said committee shall use and expend said sum for the purpose of aiding in the entertainment of the Confederate Veterans of Virginia at the time and place indicated, and shall make report as to such expenditure to the auditor of public accounts within thirty days after such unveiling.

Sec. 3. An emergency existing, this act shall be in force from its passage.

CHAP. 315.—An ACT to require the examination for venereal disease of all persons admitted to the State penitentiary, State penitentiary farm, or to any branch prison, to any of the reformatories of the State, or to any of the hospitals for the insane or colonies for the epileptic and feeble-minded, and the proper treatment of those found so affected.

[S B 335]

#### Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That all persons upon admission as inmates to the State penitentiary, State

penitentiary farm, or to any branch prison, or to any of the reformatories of the State, or to any of the hospitals for the insane or colonies for the epileptic and feeble-minded, shall be examined as to the existence or non-existence of any venereal disease, the presence of syphilis to be detected as nearly as possible by the Wassermann test; and any such person found to have a venereal disease shall be properly treated, and, if it be possible, cured.

CHAP. 316.—An ACT to amend and re-enact an act entitled an act to establish the State highway system, approved January 31, 1918, and to establish a perpetual memorial to Robert Edward Lee. [S B 55]

## Approved March 20, 1922.

- 1. Be it enacted by the general assembly of Virginia, That an act, approved January thirty-first, nineteen hundred and eighteen, entitled an act to establish the State highway system be amended and re-enacted as follows:
- Sec. 1. Washington, Lorton, Occoquan town, Dumfries, Stafford, Fredericksburg, Spotsylvania Court House, Solomons, Richmond, Petersburg, Dinwiddie, Smoky Ordinary, Lawrenceville, South Hill, Clarksville, North Carolina line; provided that the road from Ashland to Hanover, Bowling Green and the intersection with route number eight be taken over by the State for maintenance until May first, nineteen hundred and twenty-four, only unless the highway commission deem it necessary to maintain said road longer.

Sec. 2. Maryland line, Leesburg, Aldie, Plains, Warrenton, Remington, Culpeper, Orange, Gordonsville, at or near Palmyra point near Carysbrook, Bremo, Dillwyn, Farmville, Keysville, Wylliesburg, Red Oak, Clarksville, North Carolina line, with a connection from a

point near Zion, via Hadensville to Oilville.

Sec. 3. West Virginia line, Winchester, Harrisonburg, Staunton, Lexington, Natural Bridge, Buchanan, Roanoke, Rocky Mount, Martinsville, Ridgeway, North Carolina line.

Sec. 4. Maryland line, Accomac, Eastville, Cape Charles.

Sec. 5. Norfolk, Suffolk, Franklin, Courtland, Petersburg, Richmond.

Sec. 6. Alexandria, Fairfax, Aldie, Middleburg, Upperville, Boyce, Winchester, Gore, West Virginia line.

Sec. 7. Westland, Kilmarnock, Lancaster, Warsaw, with branch from a point at or near Warsaw or between Warsaw and Montross to Heathsville and Reedville, and from Warsaw to Montross, King George, Fredericksburg, Stevensburg, Culpeper, Washington, Virginia, Front Royal, Armel, Winchester, West Virginia line, with a connection from a point in Westmoreland county to Wakefield, the birthplace of Washington.

Sec. 8. Saluda, Tappahannock, Port Royal, Fredericksburg.

Sec. 9. Old Point, Hampton, Newport News, Williamsburg, Provi-

dence Forge, point near Mountcastle, Richmond, Mineral, Louisa, Trevilians, Cobham, Charlottesville, Afton, Waynesboro, Staunton, Churchville, Monterey, West Virginia line. This also includes the line from Jamestown, Williamsburg, Yorktown, Gloucester Point, Gloucester Court House, to connect with a line from the bridge at Urbanna, Saluda, to West Point, Richmond, and from Gloucester Court House to Mathews Court House.

Sec. 10. Virginia Beach, Norfolk, Suffolk, Smithfield, Surry Court House, Petersburg, Blackstone, Nottoway, Farmville, Appomattox, Lynchburg, Bedford, Roanoke, Salem, Christiansburg, Dublin, Pulaski, Wytheville, Marion, Abingdon, Bristol, Gate City, Stickleysville, Pennington Gap, Ben Hur, Jonesville, Cumberland Gap, with a connection from Abingdon, Greendale, Hansonville, Bolton, and to route eleven in Russell county, with a direct connection from Hansonville to Lebanon, with a connection from Appomattox to Vera through the surrender grounds, and a connection to Natural tunnel.

Sec. 11. Graham, Burks Garden Siding via Peery Place, Tazewell, J. A. Crockett's store, via River Route to Claypoole Hill, Indian Creek Route, Rosedale, Lebanon, via Copper Creek Route, Old Court House, St. Paul, Coeburn, Norton, Big Stone Gap, Pennington Gap, Jonesville, Cumberland Gap, Kentucky line; a connection from Claypoole Hill via Raven to Grundy; and a connection from Coeburn to Clintwood and the Kentucky line at Pound Gap, with a connection from Clintwood

to Fremont, Moss and Haysi.

Sec. 12. Virginia Beach, Norfolk, Suffolk, Carrsville, Franklin, Courtland, Emporia, Lawrenceville, South Hill, Chase City, Halifax, Danville, Martinsville, Stuart, Hillsville, Galax, Independence, to or near Damascus, thence to connect with route ten, a connection from Franklin south to the North Carolina line, and a connection from the North Carolina line, via Hillsville, to route ten east of Wytheville, with a connection from Portsmouth via Deep Creek, paralleling Dismal Swamp canal to North Carolina line.

Sec. 13. Tappahannock, Richmond, Midlothian, Powhatan, Cumberland, Farmville, Lynchburg; thence west on routes ten and

fourteen.

Sec. 14. North Carolina line, Danville, Chatham, Gretna on western side of Southern railway to Altavista, Lynchburg, Balcony Falls, point near McCormicks gate, Lexington, Clifton Forge, Covington, White Sulphur; with a connection from this route to Natural Bridge; with a connection from this route at Clifton Forge to Eagle Rock.

Sec. 15. Woodstock, Calvary, West Virginia line.

Sec. 16. Orange, Madison, Sperryville.

Sec. 17. Gordonsville, Stanardsville, Elkton, Harrisonburg, Moscow, Craigsville, Goshen, Warm Springs, Hot Springs, Covington.

Sec. 18. Afton, Lovingston, Colleen, point near Claypool, Clifford, Amherst, Lynchburg, Brookneal, Halifax, South Boston, North Carolina line.

Sec. 19. Richmond, Rio Vista, Goochland to Dixie, point on route number two of main line.

Sec. 20. Richmond, Amelia, point near Burkeville, Keysville, Charlotte, Brookneal, and from Keysville to Lunenburg, Kenbridge, and Blackstone.

Sec. 21 Following the Lee Highway from Key Bridge to Fairfax, Gainesville, Warrenton, Sperryville, Luray, New Market; with a connection from Luray to Stanley, thence to connect with route seventeen near Elkton.

Sec. 22. Salem, Catawba, New Castle, West Virginia line, with a connection to Catawba Sanatorium.

Sec. 23. Stuart, Floyd, Christiansburg, Blacksburg, Pearisburg,

Narrows, West Virginia line.

Sec. 24. Emporia, North Carolina line. Sec. 25. Warrenton, Manassas, Fairfax. Sec. 26. Wytheville, Bland Court House.

Sec. 27. Norfolk, Berkley, Great Bridge, Hickory, North Carolina line.

Sec. 28. Lovingston, Covesville, Charlottesville.

Sec. 29. The chairman of the highway commission shall prepare and keep on file in his office for public inspection a complete map, showing the routes located and established in pursurance of the law.

Sec. 30. The said roads from and to the points designated above shall be known as "The State Highway System," and for the purpose of establishing a perpetual memorial from the people of the Commonwealth of Virginia, and as a part of the national memorial to Robert Edward Lee, the following sections of the said system shall be designated and known as "Lee Highway": Key Bridge, Falls Church, Fairfax, Gainesville, Warrenton, Sperryville, Luray, New Market, Harrisonburg, Staunton, Lexington, Natural Bridge, Roanoke, Salem, Christiansburg, Radford, Pulaski, Wytheville, Marion, Abingdon, and Bristol, with a connection of the Lee Highway from Fairfax, Aldie, Middleburg, Upperville, Boyce, Winchester, New Market, known as the Lee-Jackson Memorial Highway.

Sec. 31. The roads embraced within "The State Highway System" shall be established, constructed and maintained exclusively by the State under the direction and supervision of the chairman of the highway commission, with such State funds as may hereafter be appropriated and made available for such purposes, together with such appropriations as may be hereafter made by any county, district, city or town in this State and such funds as are now available or which may hereafter be derived from the Federal government for

road building and improvement in this State.

Sec. 32. In undertaking the construction of roads on the routes constituting "The State Highway System" preference, so far as practicable, shall be given to such parts of such routes as will form connecting links between permanent roads already constructed by the State and from the proceeds of bond issues or other county funds contributed by counties or cities, or towns, to the end that equitable

consideration may, so far as possible, be given those counties, cities and towns that may already have constructed parts of roads constituting the said system, and also to the end that through routes across the State may be provided as speedily as may be practicable.

Sec. 33. All roads embraced within said system are hereby taken over for maintenance by the State; said maintenance to be under the direction and supervision of the chairman of the highway commission; but this shall not apply to toll roads so long as toll gates are

maintained thereon.

Sec. 34. Warrants for the expenditures of the funds appropriated for the construction and maintenance of "The State Highway System" shall be issued by the auditor of public accounts upon certificates of the chairman of the highway commission that the parties are entitled thereto, and shall be paid by the State treasurer out of the funds appropriated for that purpose.

CHAP. 317.—An ACT conferring upon the council of the city of Portsmouth the power to establish, enlarge, or acquire electric light plants, heat and power plants, street railway, trolley-bus and transportation system, and gas works, and to acquire by purchase, condemnation, lease, or otherwise the property in whole or in part of any private or public service corporation operating such system or systems. [S B 366]

## Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That the council of the city of Portsmouth, in addition to other powers conferred by law, shall have power to establish, enlarge or acquire electric light plants, heat and power plants, street railway, trolley-bus and transportation systems, and gas works within or partly within and partly without the limits of said city, and shall have power to acquire by purchase, condemnation, lease, or otherwise, land and other property for the purpose of establishing said plants, systems or works, and shall have the power to acquire by purchase, lease, or otherwise, the property, in whole or in part, whensoever acquired, of any private or public service corporation operating such plants, systems or works, or chartered for the purpose of acquiring or operating such plants, systems or works, including its land, plants, works. buildings, machinery, pipes, mains, wires, tracks, and all appurtenances thereto, its contracts, easements, rights and franchises, including its franchise to be a corporation, whether said property or any part thereof is essential to the purpose of said corporation or not.



CHAP. 318.—An ACT to require industrial sick benefit companies to insert in policies of industrial sick benefit insurance hereafter issued by them a provision permitting the cancellation of the sick benefit portion of the policy under certain conditions.

[S B 354]

#### Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That industrial sick benefit companies authorized to transact business in this State shall be required to insert in policies of industrial sick benefit insurance hereafter issued by them in this State, without affecting the character of such policies as policies of industrial sick benefit insurance, a provision that the sick benefit portion of the policy may be cancelled by either the company or the insured and the life portion continued by a payment of twenty per cent. of the original premium; and that, if the cancellation be by the company, it shall be without prejudice to any claim arising on account of disability commencing prior to the date on which the cancellation takes effect, and written notice of the cancellation shall be delivered to the insured or mailed to him at his last address as shown by the records of the company accompanied by a tender of the company's check for the unearned portion of the premium.

CHAP. 319.—An ACT to make it unlawful for any person to knowingly or wilfully make any false or fraudulent statement or representation of any material fact in or with reference to any application for insurance or as to the death or disability of a policy or certificate holder in, or for the purpose of procuring or attempting to procure the payment of any false or fraudulent claim against, or for the purpose of obtaining or attempting to obtain any money from or benefit in any industrial sick benefit company licensed, or which may be licensed to do business in this State, and to provide penalties for its violation.

[S B 355]

# Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That any agent, physician or other person who shall knowingly or wilfully make any false or fraudulent statement or representation of any material fact in or with reference to any application for insurance or as to the death or disability of a policy or certificate holder in, or for the purpose of procuring or attempting to procure the payment of any false or fraududent claim against, or for the purpose of obtaining or attempting to obtain any money from or benefit in any industrial sick benefit company licensed, or which may be licensed to do business in this State, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, in the discretion of the court; and any such person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a policy



or certificate holder in any such company for the purpose of procuring payment of a benefit named in the policy or certificate of such holder, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of this State in relation to the crime of perjury.

CHAP. 320.—An ACT authorizing the boards of supervisors of Accomac and Northampton counties to make appropriations for the expenses of the judge of the thirty-first judicial circuit.

### Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That the boards of supervisors of Accomac and Northampton counties are hereby severally authorized to appropriate annually such sums as the said boards may deem proper, for the purposes of the judge of the thirty-first judicial circuit; provided, that the amount annually appropriated for such purpose by the board of supervisors of Accomac county shall not exceed four hundred dollars and that the amount annually appropriated by the board of supervisors of Northampton county for such purpose shall not exceed two hundred dollars.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 321.—An ACT authorizing the boards of supervisors of Alleghany, Botetourt, Bath and Craig counties and the council of the city of Clifton Forge to make appropriations for the expenses of the judge of the nineteenth judicial circuit. IS B 4381

# Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That the boards of supervisors of Alleghany, Botetourt, Bath and Craig counties and the council of the city of Clifton Forge are hereby severally authorized to appropriate annually such sums as the said boards and council may deem proper, for the expenses of the judge of the nineteenth judicial circuit; provided, that the amounts annually appropriated for such purpose by the said boards of supervisors and council shall not exceed the following sums, respectively:

Alleghany county, three hundred dollars.

Botetourt county, two hundred dollars. Bath county, one hundred dollars.

Craig county, fifty dollars.

City of Clifton Forge, one hundred dollars.

An emergency existing, this act shall be in force from its passage.

CHAP. 322.—An ACT requiring county and city treasurers to account for interest received upon funds of the State, or of any political subdivision thereof, and providing penalty for violation. [S B 284]

## Approved March 20, 1922.

- 1. Be it enacted by the general assembly of Virginia, That whenever the treasurer of any county or city in this State shall receive interest on funds belonging to the State, or to any political subdivision thereof, such interest shall become a part of the principal of the particular fund on which such interest accrued, and shall be accounted for by the treasurer in the same manner as he is required by law to account for the principal.
- 2. Any treasurer violating this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five thousand dollars.
- CHAP. 323.—An ACT to permit Harwood Bristow, of the county of Accomac, to build a bridge across Warrington branch of Onancock creek in said county.

  [S B 146]

  Approved March 20, 1922.
- Sec. 1. Be it enacted by the general assembly of Virginia, That Harwood Bristow, or his successor in title, be, and he is hereby permitted and authorized to build a bridge across the Warrington branch of Onancock creek in Accomac county, from any point on the north shore of said creek, on the farm now owned by him, formerly belonging to I. W. Bagwell, to any point on the south shore of said creek, on the farm now owned by him, formerly belonging to Robert L. Hopkins and William S. Nelson, senior; provided, however, that an opening shall be provided under said bridge of a sufficient height and width to permit the passage thereunder of motor boats and scows at full tide.
- Sec. 2. The said Harwood Bristow, desiring to commence the building and erection of said bridge at once, an emergency is hereby declared to exist, and this act shall be in force from its passage. Provided, however, that any bridge erected by virtue hereof shall contain a draw of sufficient size and width to permit the passage of masted vessels suitable for creek navigation.
- CHAP. 324.—An ACT to require persons sixteen years of age, or over, of sufficient earning capacity or income, to support their parents who are in destitute or necessitous circumstances; and to repeal an act entitled an act to require able-bodied persons over sixteen years of age to support their parents in cities of one hundred thousand inhabitants or more, approved March 19, 1920.

  Approved March 20, 1922.
- 1. Be it enacted by the general assembly of Virginia, as follows: Sec. 1. In all cities of the first class it shall be the duty of all persons sixteen years of age, or over, of sufficient earning capacity

or income to provide or assist in providing for the support and maintenance of his or her mother or aged or infirm father, he or she being

then and there in destitute or necessitous circumstances.

Sec. 2. In cities where such courts have been or shall be established, the juvenile and domestic relations court shall have exclusive original jurisdiction in all cases arising under this act. And in all other cities of the first class the police justice or the civil and police justice, as the case may be, shall have concurrent original jurisdiction with the corporation or hustings court of such cities in all cases arising under this act. The person accused shall have the same right of appeal as provided by law in other cases.

Sec. 3. All proceedings under this act shall conform as nearly as possible to the proceedings under chapter eighty of the Code of Virginia, and the provisions of that chapter shall apply to cases arising under this act in like manner as though they were incorporated herein. Prosecutions under this act shall be in the jurisdiction

where the defendant resides.

Sec. 4. Any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars or imprisonment in jail

for a period not exceeding twelve months, or both.

2. An act entitled an act to require able-bodied persons over sixteen years of age to support their parents in cities of one hundred thousand inhabitants or more, approved March nineteenth, nineteen hundred and twenty, is hereby repealed. Provided that this act shall not apply to any known persons who contributes to the support of their family.

CHAP. 325.—An ACT to amend and re-enact section 4902 of the Code of Virginia. [S B 119]

Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That section forty-nine hundred and two of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 4902. When jury not to be kept together; when so kept to be boarded; how paid.—In any case of felony where the punishment cannot be death, the jury shall not be kept together unless the court otherwise direct.

When the jury are so kept together, the court shall direct its officers to furnish them with suitable board and lodging, when so confined, to be paid out of the treasury of the State, the expense thereof not to exceed for each juror, fifty cents for breakfast, fifty cents for dinner, fifty cents for supper, and one dollar for lodging; except that when such case is tried in a city or in a county the courthouse of which is situated in a city, such expense shall not exceed, for each juror, seventy-five cents for each of such meals and two dollars for lodging.

CHAP. 326.—An ACT to authorize the postponement of the payment of the sum of \$16,000.00 and interest due by the school board of Ettrick sub-school district, of Chesterfield county, to the literary fund. [S B 154]

## Approved March 20, 1922.

Whereas, in the year nineteen hundred, the general assembly of Virginia, in order to increase the school session from six to nine months, created in the county of Chesterfield, the Ettrick sub-school district, with the then taxable value of three hundred and three thou-

sand, seven hundred and seventy dollars; and

Whereas, there is located within this sub-school district, the Virginia Normal and Industrial Institute, devoted to the training of colored children and teachers, which has an enrollment of over one thousand students and the said school has continued to grow in territory from thirteen to one hundred and three acres, and acquires some of the most valuable building lots and improved property from said district, so that its plant is now worth around four hundred thousand dollars; and further, its being a colored institution has prohibited the normal growth of the village of Ettrick so that in nineteen hundred and twenty-one the taxable values have been reduced to three hundred and one thousand, six hundred and sixty dollars; and

Whereas, the loyal citizens of said district have recently raised eight thousand dollars towards the erection of a twenty-four thousand dollar school building, and the present taxable income even at the highest rate allowable by law for school purposes is insufficient to meet the expense of operating the school and paying off the indebtedness due the literary fund of sixteen thousand dollars, borrowed for the purpose of the erection of the new school building, just completed, because of the loss of taxes on the property owned by the State within the said district known as the said Virginia Normal and Industrial Institute, now non-taxable, from which the said sub-school district formerly derived a large amount of its taxes for the support of its public schools;

1. Be it enacted by the general assembly of Virginia, That the school board of Ettrick sub-school district of Chesterfield county be, and it is hereby, authorized to postpone to January first, nineteen hundred and twenty-five, the payment of the sum of sixteen thousand dollars and accrued and accruing interest due by the said school board to the literary, fund of the Commonwealth.

CHAP. 327.—An ACT to prescribe how a new day for the execution of the sentence of death shall be fixed, and dispensing with the presence of the person to be executed.

[S B 105]

#### Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That whenever, for an offense hereafter committed, the day fixed for the execution of a sentence of death shall have passed without the execution

of such sentence and it shall have become necessary to fix a new date therefor, it shall be the duty of the court which pronounced such sentence to fix another day for such execution. The person to be executed need not be present when such other day is fixed, but a copy of the order fixing the new date of execution shall be promptly furnished by the clerk of the court making the order to the officer in whose custody the person to be executed is, and said officer shall deliver a copy of said order to the person to be executed, and, if he is unable to read it, explain it to him, at least ten days before the date fixed for such execution, and make return thereof to the clerk of the court which issued same.

CHAP. 328.—An ACT validating certain holographic wills admitted to probate in this State since the taking effect of the Code of Virginia of 1919.

[S B 406]

Approved March 20, 1922.

Whereas, the Code of Virginia, nineteen hundred and nineteen, requires that a holographic will shall be proved by at least two disinterested witnesses; and

Whereas, since the adoption of said Code of Virginia of nineteen hundred and nineteen, several such wills have been proved by one

witness instead of two; therefore,

1. Be it enacted by the general assembly of Virginia, That the probate of all holographic wills admitted to probate in this State since the adoption of said Code of Virginia of nineteen hundred and nineteen, the handwriting of which have been proved by one witness instead of two, as prescribed by said Code, be, and the same is validated and made as binding and effectual as if the said wills had been proved according to said Code.

2. An emergency existing on account of the probate of the wills proved by one witness as aforesaid, there is declared to be an emer-

gency, and as such this act shall be in force from its passage.

CHAP. 329.—An ACT to amend and re-enact section 3505 of the Code of Virginia, and to repeal an act entitled an act to provide for the payment out of the State treasury of the attorneys for the Commonwealth of the counties and cities of the State certain fees in felony and misdemeanor cases, and to fix the maximum amount that the attorneys for the Commonwealth of the respective counties and cities of the State shall be paid in fees out of the State treasury, and to fix for them and to provide for the taxing and payment of certain fees in scire facias and other proceedings upon forfeited recognizances, and to amend and re-enact an act entitled an act to amend and re-enact section 3528 of the Code of Virginia, as heretofore amended, approved March 22, 1916, and to repeal all other acts and parts of acts in conflict with this act, approved March 16, 1918. [S B 207]

Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That sec-

tion thirty-five hundred and five of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 3505. To attorneys for the Commonwealth.—The attorney for the Commonwealth shall be paid out of the State treasury in all felony and misdemeanor cases, and for expenditures made in the dis-

charge of his duties as follows:

For each trial of a felony case in his circuit or corporation court, in which only one person is tried at a time, if the punishment prescribed may be death, twenty dollars; if the punishment prescribed is less than death, ten dollars; but where two or more persons are jointly indicted and jointly tried for a felony, he shall be paid in addition to the fees above provided ten dollars for each person more than one so jointly tried. For each person prosecuted by him at a preliminary hearing upon a charge of felony before any court or justice of his county or city, he shall be paid five dollars. For every nolle prosequi entered to an indictment in a felony case he shall be paid five dollars; provided, there has not been a trial of such indictment; provided further, that only one such fee shall be paid where more than one nolle prosequi is entered against the same person.

For each person tried for a misdemeanor in his circuit or corporation court five dollars, and for each person prosecuted by him before any court or justice of his county or city for a misdemeanor, which he is required by law to prosecute, or upon an indictment found by a grand jury, he shall be paid five dollars, unless the costs, including such fee, are paid by the defendant; and in every misdemeanor case so prosecuted the court or justice shall tax in the costs

and enter judgment for such misdemeanor fees.

In every scire facias or other proceeding upon a forfeited recognizance where a judgment is awarded in behalf of the Commonwealth there shall be taxed in the costs an attorney's fee of ten dollars and five per centum of the amount of the judgment, which when recovered shall be paid to the attorney for the Commonwealth; provided, however, that in no case shall the attorney for the Commonwealth in any county or city receive in such fees from the State treasury for the prosecution of criminal cases more in any one year than the amount hereinafter stated.

The attorney for the Commonwealth for the county of Accomac, six hundred and fifty dollars; of Albemarle, five hundred dollars; of Alexandria, four hundred and fifty dollars; of Alleghany, three hundred and fifty dollars; of Amherst, four hundred and fifty dollars; of Appomattox, five hundred and fifty dollars; of Appomattox, five hundred and fifty dollars; of Bedford, fifteen hundred dollars; of Bland, two hundred and fifty dollars; of Botetourt, four hundred dollars; of Brunswick, four hundred and fifty dollars; of Buckingham, four hundred and fifty dollars; of Bucking-ham, four hundred and fifty dollars; of Caroline, three hundred and seventy-five dollars; of Carroll, three hundred and fifty dollars; of Charles City, two hundred and fifty dollars; of Charlotte, three hundred dollars; of Chesterfield, four hundred and fifty



dollars; of Clarke, three hundred dollars; of Craig, two hundred and fifty dollars; of Culpeper, three hundred and seventy-five dollars; of Cumberland, three hundred dollars; of Dickenson, seven hundred and fifty dollars; of Dinwiddie, four hundred and fifty dollars; of Elizabeth City, eight hundred dollars; of Essex, three hundred dollars; of Fairfax, four hundred and fifty dollars; of Fauquier, five hundred dollars; of Floyd, four hundred and fifty dollars; of Fluvanna, three hundred dollars; of Franklin, five hundred dollars; of Frederick, three hundred and seventy-five dollars; of Giles, three hundred and seventyfive dollars; of Gloucester, three hundred and seventy-five dollars; of Goochland, three hundred and seventy-five dollars; of Grayson, four hundred and seventy-five dollars; of Greene, two hundred and fifty dollars; of Greensville, three hundred and seventy-five dollars; of Halifax, one thousand dollars; of Hanover, four hundred and fifty dollars; of Henrico, one thousand dollars; of Henry, four hundred and fifty dollars; of Highland, two hundred and fifty dollars; of Isle of Wight, three hundred and seventy-five dollars; of James City, eight hundred dollars; of King and Queen, three hundred dollars; of King George, two hundred and fifty dollars; of King William, three hundred and seventy-five dollars; of Lancaster, three hundred dollars; of Lee, five hundred dollars; of Loudoun, five hundred dollars; of Louisa, four hundred and fifty dollars; of Lunenburg, four hundred and fifty dollars; of Madison, three hundred dollars; of Mathews, two hundred and fifty dollars; of Mecklenburg, five hundred dollars; of Middlesex, three hundred dollars; of Montgomery, five hundred dollars; of Nansemond, five hundred dollars; of Nelson, four hundred dollars; of New Kent, two hundred and fifty dollars; of Norfolk, fifteen hundred dollars; of Northampton, four hundred and fifty dollars; of Northumberland, two hundred and fifty dollars; of Nottoway, four hundred and fifty dollars; of Orange, three hundred and seventy-five dollars; of Page, three hundred and seventyfive dollars; of Patrick, three hundred and seventy-five dollars; of Pittsylvania, fifteen hundred dollars; of Powhatan, three hundred dollars; of Prince Edward, four hundred and fifty dollars; of Prince George, twelve hundred dollars; of Princess Anne, six hundred dollars; of Prince William, three hundred and seventy-five dollars; of Pulaski, four hundred and fifty dollars; of Rappahannock, three hundred dollars; of Richmond, two hundred and fifty dollars; of Roanoke, four hundred and fifty dollars; of Rockbridge, eight hundred dollars; of Rockingham, five hundred dollars; of Russell, twelve hundred dollars; of Scott, five hundred dollars; of Shenandoah, three hundred and seventy-five dollars; of Smyth, four hundred and fifty dollars; of Southampton, three hundred and seventy-five dollars; of Spotsylvania, three hundred dollars; of Stafford, two hundred and fifty dollars; of Surry, three hundred dollars; of Sussex, three hundred dollars; of Tazewell, seven hundred and fifty dollars; of Warren, three hundred dollars; of Warwick, six hundred dollars; of Washington, five hundred and fifty dollars; of Westmoreland, three hundred dollars; of Wise, twelve hundred dollars; of Wythe, four hundred and fifty dollars; of York, eight hundred and fifty dollars.

The attorney for the Commonwealth for the city of Richmond, twenty-seven hundred and fifty dollars; of the city of Norfolk, twentytwo hundred and fifty dollars; of the city of Petersburg, seventeen hundred and fifty dollars; of the city of Lynchburg, fifteen hundred dollars; of the city of Roanoke, seventeen hundred and fifty dollars; of the city of Alexandria, seven hundred and fifty dollars; of the city of Portsmouth, fifteen hundred dollars; of the city of Danville, fifteen hundred dollars; of the city of Manchester, five hundred dollars; of the city of Staunton, five hundred dollars; of the city of Charlottesville, five hundred dollars; of the city of Winchester, five hundred dollars; of the city of Fredericksburg, five hundred dollars; of the city of Bristol, five hundred dollars; of the city of Radford, five hundred dollars; of the city of Buena Vista, three hundred dollars; of the city of Newport News, seventeen hundred and fifty dollars; of the city of Clifton Forge, four hundred and fifty dollars; of the city of Hopewell, seventeen hundred and fifty dollars; of the city of Suffolk, three hundred dollars.

2. An act entitled an act to provide for the payment out of the State treasury of the attorneys for the Commonwealth of the counties and cities of the State certain fees in felony and misdemeanor cases, and to fix the maximum amount that the attorneys for the Commonwealth of the respective counties and cities of the State shall be paid in fees out of the State treasury, and to fix for them and to provide for the taxing and payment of certain fees in scire facias and other proceedings upon forfeited recognizances, and to amend and re-enact an act entitled an act to amend and re-enact section thirty-five hundred and twenty-eight of the Code of Virginia, as heretofore amended, approved March twenty-second, nineteen hundred and sixteen, and to repeal all other acts and parts of acts in conflict with this act, approved March sixteenth, nineteen hundred and eighteen, is hereby repealed.

CHAP. 330.—An ACT to amend and re-enact section 4042, contained in chapter 159 of the Code of Virginia, in relation to telegraph and telephone companies.

[S B 219]

Approved March 20, 1922.

1. Be it enacted by the general assembly of Virginia, That section forty hundred and forty-two (4042) of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 4042. Receipt and transmission of dispatches.—It shall be the duty of every telegraph company and of every telephone company doing the business of transmitting and receiving messages for compensation in this State to receive dispatches and messages from and for other telephone or telegraph companies or lines doing the business of receiving and transmitting messages for compensation, and from and for any person; and upon the payment of the established charges therefor, if demanded, to transmit the same faithfully

and impartially, and as promptly as practicable, and in the order of delivery to the said company. For every failure to transmit a dispatch or message faithfully and impartially, and for every failure to transmit or deliver a dispatch or message as promptly as practicable, or in the order of its delivery to the company, the company shall forfeit the sum of fifty dollars to the person sending or wishing to send such dispatch or message, or the person to whom such ditpatch is addressed, or such message is to be sent; provided, however, not more than one recovery shall be had on one dispatch or message, and the recovery of one party entitled thereto shall be a bar to the recovery of the other party. But nothing herein shall prevent any such company from giving preference to dispatches or messages on official business from or to officers of the United States or the State of Virginia, or from making arrangements with proprietors or publishers of newspapers for the transmission to them for publication of intelligence of general and public interest out of its regular order.

CHAP. 331.—An ACT authorizing the governor to issue annually a proclamation calling upon the officials and people of the State to display flags on the second Sunday in May, known as Mother's Day.

[H B 323]

#### Approved March 20, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the governor of this State is hereby authorized to issue annually a proclamation calling upon State officials to display the flag of the United States and of the Commonwealth of Virginia on all public buildings, and the people of the State to display said flags at their homes and other suitable places, on the second Sunday in May, known as mother's day, as a public expression of love and reverence for the mothers of this State.
- 2. An emergency existing, this act shall be in force from its passage.
- CHAP. 332.—An ACT to amend and re-enact sections 8 and 9 of an act entitled an act to raise revenue for the support of the government and the public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section 189 of the Constitution, approved April 16, 1903, as heretofore amended. [S B 24]

## Approved March 21, 1922.

1. Be it enacted by the general assembly of Virginia, That sections eight and nine of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty nine of the Constitution, approved April sixteenth, nineteen hundred and three, as

heretofore amended, be amended and re-enacted so as to read as follows:

Section 8. The classification under schedule "C" shall be as follows:

First: Bonds (except bonds of the United States), notes and other evidences of debt, including bonds of other States than Virginia, bonds of counties, cities and towns located outside of the State of Virginia, bonds of railroad and canal companies and other corporations, bonds of individuals and all demands and claims, however evidenced, whether secured by mortgage, deed of trust, judgment or otherwise, or not so secured.

The commissioner shall require each person, natural or artificial, residing in his district, city or town, to make out and deliver to said commissioner a list in detail of the date, amount for which originally given, but not the name of the debtor, the dates and amounts of the credits thereon, the balance due, and the time of payment of all bonds, notes and other evidences of debt owing to such person in excess of one hundred dollars, and a statement of the aggregate amount of all bonds, notes and other evidences of debt under one hundred dollars each. The auditor of public accounts shall furnish the necessary blanks for such lists and statements to the commissioner of the revenue.

The list and statement shall be signed and sworn to by the taxpayer before the commissioner of revenue or some notary public, or some person authorized to administer oaths, who shall certify that said list was signed and sworn to before him. The commissioner shall sign the list and determine the value of the bonds, notes and other evidences of debt therein enumerated, subject to an appeal from his valuation to the circuit or corporation court. The said list and statement shall include bonds of railroad and canal companies, bonds of counties, cities, towns, located outside of the State of Virginia, and bonds of other States and corporations, bonds of individuals, and all demands and claims, however evidenced, whether due or not, from debtors residing out of or within the State, city or county, whether secured by a deed of trust or by judgments or not. There shall be no deductions from the amount thereof on account of any bonds, demands or claims owing to others as principal debtor, or otherwise. No bond, demand or claim constituting a part of the capital, as defined in this act, of the business done out of this State, or any capital used by any merchant or manufacturer, and taxed under this act, shall be included in this subdivision of this section.

The list and statement herein provided for shall be delivered by said commissioner to the clerk of the circuit or corporation court of his county or city, who shall file the same in his office, properly labeled, keeping the list for each year separate. If any person, firm or corporation shall, with a view to evade the payment of taxes, fail or refuse to make out and deliver under oath such list and statement as herein provided for of any such bonds, notes or other evidences of debt, then the omitted evidences of debt shall not be recoverable, by action at law or suit in equity in any of the courts of this Common-

wealth or by any legal process, or by sale under deed of trust, or otherwise, until they shall have been reported for assessment, and the taxes paid thereon for the years that they should have been paid, with an addition of one hundred per centum of the amount of said unpaid taxes; and the failure to make out such list and statement to said commissioner shall be taken as prima facie evidence of the intention to so evade payment of taxes.

But where in any action at law or suit in equity it is ascertained that there are unpaid taxes and penalties on the evidences of debt sought to be enforced, and the suitor makes affidavit that he is unable to pay these taxes and penalty, but is willing for the same to be paid out of the first recovery on the evidence of debt, the court shall have authority to enter as a part of any judgment or decretal order in said proceedings that the amount of taxes and penalties due and owing shall be paid to the proper officer out of the first collection on said judgment or decree.

In every action at law or suit in equity in a court of record for the collection of any such bonds, notes or other evidences of debt, taxable hereunder, the plaintiff shall be required to allege in his pleadings that such bonds, notes or other evidences of debt have been reported for taxation and assessed for each and every year on the first day of February of which he was the owner of the same, and no judgment or decree of the court shall be valid unless it recites that such allegation was made.

Second: All capital of persons, firms and corporations employed in a trade or business not otherwise taxed; and in case of a corporation when all of such capital is taxed by this State, the shares of its stock in the hands of individual shareholders shall not be further taxed for State purposes. But real estate belonging to such persons, firms and corporations shall not be held to be capital, but shall be listed and taxed as real estate.

Capital as used in the tax laws shall be defined as follows;

(1) The inventory of stock on hand, which shall include all raw materials for use of the business, whether at the place of business, in storage or elsewhere in the State.

(2) The excess of bills and accounts receivable over bills and ac-

counts payable.

(3) All machinery and tools not taxed as real estate.

(4) Money on hand and on deposit.

(5) All other property of any kind whatsoever, including all choses in action, equities, demands and claims.

Capital used or employed in business as above defined shall, whereever the laws of this State require a tax on capital, be taxed at the rate prescribed by law.

Every person, firm or corporation engaged in a business whose capital is subject by the laws of this State to taxation, is hereby required to keep accounts showing the above items, which shall at all times be open to the inspection of the commissioners of the revenue, the examiners of records, local boards of review, and the State tax board; and every such person, firm or corporation shall be required

to make a return under oath to the commissioner of revenue, on forms prescribed by the auditor of public accounts, showing the items of capital as above defined, and also the bills and accounts payable which were used as deductions in order to ascertain the amount under section two in the above definition of capital and the names and addresses of the parties to whom said bills and accounts are due, and the various amounts constituting said indebtedness, shall further certify that such indebtedness was made in the usual course of business of said company, firm or corporation.

Nothing herein shall prevent cities and towns of this Commonwealth from imposing a license tax on merchants, mercantile firms or corporations, based on their purchases, in pursuance of their respective charters, or of the general laws of the State for the government of cities and towns.

Where any person, firm or corporation domiciled and doing business in this State maintains a branch of such business outside of this State, no part of the capital of such person, firm or corporation permanently invested in any such branch of its business, nor any intangible assets, arising from business originating at any such branch and transacted outside of this State, shall be considered as situated in this State—any statutory provisions or rule of construction to the contrary, notwithstanding—it being the intent and purpose of this provision to exact of citizens of this State no higher or greater tax than that exacted of non-residents doing business in this State.

The situs for the taxation of stock on hand, raw materials for use in business, whether at the place of business, in storage or elsewhere, and machinery and tools not taxed as real estate, as provided in this schedule, shall be the county or incorporated community in which they are physically located. Which items of capital shall be taxed by such localities as other capital is taxed by localities, at the rate prescribed by law, and not as tangible personal property, and it shall be the duty of the said person, firm or corporation to make returns of such capital, stating the county or city where located, to the commissioner of the revenue at the point in the State wherein the person resides, or wherein the principal office of the partnership or corporation is located in this State; and if any of the said items contained in classes one, three and four in the above definition of capital be located in any county or city, other than in that in which the said return is required to be made, then the commissioner of the revenue to whom such return is made shall make two copies thereof and shall forward one copy to the commissioners of the revenue at the points where said property is located, and one copy to the auditor of public accounts, and the commissioners of the revenue receiving same shall enter upon their books such of said property as may be located in their county or city for taxation, as other capital is listed, and shall assess the same as required by section twentythree hundred and seven of chapter ninety-six of the Code of Virginia, as amended.

Provided, however, that whenever any of the items in said clauses



one, three and four shall be located at a point or points other than that in which the return is made, and whenever any deduction of bills and accounts payable shall be all wed and taxpayer, the entire amount of such bills and accounts payable shall not be deducted from the amount of capital assessed where such return is made, but the same shall be distributed in such ratable proportion as the value of the capital located in such other point or points shall bear to the entire amount of capital assessed against the taxpayer. The commissioner of revenue to whom the return is made shall certify the proper ratable amount of such deduction to the commissioner of the revenue at such other point or points, who shall accordingly deduct said amount from the value of the property assessed in his jurisdiction.

In making return of capital in business according to the method defined above return shall be made as of February the first, provided the taxpayer at his option may make return as shown by the average of February the first of the current year and August first preceding.

Third: The value of the principal of personal estate and credits other than tangible personal property, money, and the property embraced in class one of this schedule under the control of a court receiver or commissioner, in pursuance of an order, judgment or decree of any court, or in the hands or under the control of an executor, administrator, guardian, trustee, agent or other fiduciary; and the principal estate and credits other than tangible personal property, money and property embraced in class one of this schedule deposited to the credit of any suit and not in the hands of a receiver or other fiduciary.

Fourth: All money other than money used or employed in any trade or business not otherwise taxed on deposit with any bank or other corporation or firm or person doing a banking business, or in the possession or under the control of the owner, whether such money be actually in or out of this State and belonging to a citizen of this State, which shall include certificates of deposit of any bank, banking association, trust or security company bearing a total interest rate paid or to be paid not exceeding five per centum per annum; provided, that money as herein defined shall not be liable to taxation by any of the counties, cities, towns, school districts or other local subdivisions of this State. All moneys under the control of a court receiver or commissioner in pursuance of an order, judgment or decree of any court or in the hands or under the control of an executor, administrator, guardian, trustee, agent, or other fiduciary; and all moneys deposited to the credit of any suit, not in the hands of a receiver or other fiduciary.

Fifth: All shares of stock of corporations or joint stock companies except such corporations and joint stock companies all of whose capital is taxed by this State, or which pay a franchise tax in this State, and banks, banking associations, trust and security companies, and insurance companies, which are otherwise taxed in this State.

Sixth: All bonds of counties, rities and towns, or other political subdivisions of this State.

Section 9. The taxes on intangible personal property shall be as follows:

On all property embraced in class one of this schedule there shall be a tax of twenty cents on every hundred dollars of the assessed value thereof, which shall be paid into the State treasury and applied to the payment of the expenses of the government. And any city in this State may levy a tax on such property assessed to residents therein at a rate not to exceed twenty cents on the one hundred dollars of assessed valuation thereof; and the board of supervisors of any county may levy a district road tax on such property assessed to residents in any magisterial district proposed to be taxed for district purposes to be used exclusively for the construction and repair of public roads and bridges located within the magisterial district in which said levy is laid at a rate not to exceed twenty cents on the hundred dollars of assessed valuation thereof, but this clause shall not be considered to authorize the board of supervisors of any county to levy such tax against the residents of any incorporated town within such magisterial district which maintains its own roads; and any incorporated town in this State which is exempt by statute or by the express provisions of its charter from the payment of district road taxes, or which maintains its own roads, free of expense to the magisterial district, may levy a tax on such property assessed to residents therein at a rate not to exceed twenty cents on the one hundred dollars of assessed valuation thereof.

On all property embraced in classes three and five of this schedule, there shall be a tax of sixty-five cents on every hundred dollars of the assessed value thereof, and on all property embraced in class two of this schedule, there shall be a tax of seventy cents on every hundred dollars of the assessed value thereof, which shall be paid into the State treasury and applied to the payment of the expenses of the government. And any city in this State may levy a tax on such property assessed to residents therein at a rate not to exceed thirty cents on the one hundred dollars of assessed valuation thereof; and the board of supervisors of any county may levy a district road tax on such property assessed to residents in any magisterial district proposed to be taxed for district purposes to be used exclusively for the construction and repair of public roads and bridges located within the magisterial district in which said levy is laid at a rate not to exceed thirty cents on the hundred dollars of assessed valuation thereof, but this clause shall not be considered to authorize the board of supervisors of any county to levy such tax against the residents of any incorporated town within such magisterial district which maintains its own roads; and any incorporated town in this State which is exempt by statute or by the express provisions of its charter from the payment of district road taxes, or which maintains its own roads, free of expense to the magisterial district, may levy a tax on such property assessed to residents therein at a rate not to exceed thirty cents on the one hundred dollars of assessed valuation thereof.



On all property embraced in class four of this schedule there shall be a tax of twenty cents on every one hundred dollars of the assessed valuation thereof, which shall be paid into the State treasury and applied to the expenses of the government. On all property embraced in class six in this schedule there shall be a tax of thirty-five cents. on every one hundred dollars of the assessed value thereof, which shall be paid into the treasury of the State. Provided, however, that from and out of the tax on all such property paid to and retained by the State for the expenses of the State government there shall be set aside ten cents on every hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of this State. Provided, further, however, that in the event any taxpayer shall fail, without just cause shown, to return for taxation any intangible personal property under the provisions of this schedule within the time prescribed by law, and it is ascertained thereafter that any such property has not been returned for taxation, it shall be assessed when discovered, and taxed at the full rate of taxation provided for real estate in this State, which shall include the State rate and the local rates and levies of the county, district, town or city wherein the owner or taxpayer has his legal residence.

Any person, firm or corporation, who shall, for the purpose of evading taxation under the laws of this Commonwealth, within thirty (30) days prior to the first day of February of any year, either directly or indirectly, convert any intangible personal property or money taxable under the laws of this State, into a form of property which is non-taxable by this State, or, with like intent shall, either directly or indirectly, convert such intangible personal property or money into a form of property which is taxable by this State at a lower rate than the intangible personal property or money so converted, shall be taxable on such intangible personal property or money as if such conversion had not taken place; and the fact that such person, firm or corporation within thirty days after the first day of February, either directly or indirectly, convert such property nontaxable by this State or taxable at the lower rate by this State into intangible personal property or money taxable at the higher rate shall be prima facie evidence of intent to evade taxation by this State, and the burden of proof shall be upon such person, firm or corporation to show that the first conversion was for the bona fide purpose of investment, and not for the purpose of evading taxation by this State.

The provisions of section eight and of this section of this schedule shall apply with equal force to any person or corporation representing in this State business interests that may claim a domicile elsewhere, the intent and purpose being that no non-resident person or corporation either personally or through any agent, shall transact business here without paying to the State a corresponding tax with that exacted of its own citizens, and all bills receivable, obligations or credits and other intangible assets arising from the business done in this State are hereby declared assessable within this State and at

the business domicile of said non-resident person or corporation, his

or its agents or representative.

No property which is embraced in class one of this schedule which is voluntarily reported for taxation to the commissioner of the revenue or the examiner of records, and the tax thereon paid on or before December first, nineteen hundred and twenty-two, shall be assessed with omitted taxes for any year prior to the year nineteen hundred and twenty-two.

The provisions of this amendatory act shall apply to the assessment and collection of State taxes and local levies in the year nineteen hundred and twenty-two, and thereafter until otherwise provided by law; provided that nothing contained in this act shall affect any special taxes heretofore or hereafter imposed upon the property mentioned herein.

2. The reduction in the rate of taxation prescribed by this act shall not apply to the shares of stock of any bank, banking association, trust or security company.

CHAP. 333.—An ACT to prevent the maintenance of suits for the purpose of TH B 3111 restraining the assessment or collection of taxes.

#### Approved March 21, 1922.

1. Be it enacted by the general assembly of Virginia, That no suit for the purpose of restraining the assessment or collection of any tax, State or local, shall be maintained in any court of this Commonwealth, except when the party has no adequate remedy at law; provided, this act shall not affect any pending suit.

2. The provisions of this act affect the revenue of the State for the current year. Therefore, an emergency exists and this act shall

be in force from its passage.

CHAP. 334.—An ACT to effect the separation of the schools for the deaf and the blind at Staunton, and to provide for a commission to make recommendations concerning the establishment of a separate school for the education of the white blind children of Virginia, and appropriating one thousand dollars for the expenses of said commission. (HB 118)

#### Approved March 23, 1922.

Whereas, the Virginia school for the deaf and blind at Staunton is now, and has been for several years, crowded to cepacity in attempting to care for the instruction of both the deaf and the blind white children of Virginia; and

Whereas, recent investigations have established the fact that the number of children of the two classes in the State who are not now receiving an education is probably greater than the number now in school; and

Whereas, the method of instruction of the two groups is so radically different as to require separate groups of teachers, and complete duplication of class room, study halls, textbooks and apparatus, involving indeed the maintenance of separate schools within

the same institution; and

Whereas, the policy of other States is to educate the deaf and blind in separate schools, it being found essential to the welfare of both classes to educate them separately; now, therefore,

1. Be it enacted by the general assembly of Virginia, That as

soon as practicable, the schools at Staunton be separated.

- 2. That when such separation is made, the property now used as a joint school for the deaf and the blind, be designated as the Virginia school for the deaf, and reserved for the education of the white children of school age who are deaf, and that a separate school be established for the education of the white children of school age who are blind.
- 3. That a commission consisting of five members, be appointed, two of whom shall be members of the house of delegates, appointed by the speaker, one a member of the senate, appointed by the president, and two members at large to be appointed by the governor; which commission shall make recommendations to the next general assembly as to ways and means of carrying out the provisions of this act.

4. The members of the said commission shall serve without com-

pensation, except their necessary traveling expenses.

5. For the purpose of paying the necessary expenses of the said commission, and to carry out the provisions of this act, the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any monies in the treasury not otherwise appropriated, to be paid by the treasurer of Virginia on the warrants of the auditor of public accounts, issued upon the vouchers of the chairman of said commission, countersigned by its secretary.

CHAP. 335.—An ACT to require every person driving any vehicles on a public highway, on approaching certain railway grade crossings, to stop before passing thereover, and to require railway companies to erect and maintain danger signs at such crossings; and providing penalties therefor. [H B 236]

## Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That except in cities and incorporated towns and villages of one thousand inhabitants or more it shall be the duty of every person driving any vehicles on a public highway, in approaching a place where a railway crosses such public highway at grade, to stop before passing over such crossing, at a distance of not less than ten feet nor more than one hundred feet from the nearest rail of such railway tracks. Provided, that this act shall not apply to any public railway crossing at grade on railway lines on which only purely local trains are operated.

2. The provisions of this act shall not change or alter in any manner the existing law as to the duty or liability of railway companies for damages to persons or property, and failure to comply with the provisions of this act on the part of the driver of the vehi-

cle shall not be considered contributory negligence in an action against the railway company for damage to persons or property, whether the same be for injury to the person or property of the driver or any other person. And it shall not be necessary to establish the fact that the driver complied with the provisions of this act in order to recover in any action for damage to persons or property against a railway company.

3. That except in cities and incorporated towns it shall be the duty of railway companies to erect and maintain, at every point where a public highway crosses such railway at grade, and on which line trains other than purely local trains are operated, a sign, visible for one hundred feet on each side of its tracks with the words, "Main

Line-Danger-Stop," in letters at least six inches in height.

4. Any driver of any vehicles included in this act and any other person, firm or corporation violating the provisions of this act shall be fined not exceeding ten dollars for each offense; provided, that this act shall not apply to electric railways.

CHAP. 336.—An ACT to amend and re-enact section 3873 of the Code of Virginia.

[H B 381]

Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-eight hundred and seventy-three of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 3873. What certificate to set forth.—Such certificate of in-

corporation shall set forth:

(a) The name of the corporation, which name shall be such as to distinguish it from any other corporation chartered for similar purposes.

(b) The name of the county (and postoffice address therein), city or town wherein its principal office in this State is to be located.

(c) The purposes for which it is formed.

- (d) The maximum number of trustees, directors, or managers, not less than three, who are to manage the affairs of the same, and how vacancies in such number are to be filled.
- (e) The names and residences of the trustees, directors or managers, who are to manage the affairs for the first year of its existence, together with the names, residences and postoffices of the president and secretary of the corporation.
  - (f) The period, if any, limited for the duration of the corporation.
- (g) The amount of real estate to which its holdings at any time are to be limited.
- (h) The certificate of incorporation may also contain any provision not contrary to law which the incorporators may choose to insert for the regulation of its business and for the conduct of the affairs of the corporation; and any provisions creating, defining, limiting, or regulating the powers of the corporation, its trustees, directors, managers or members.

CHAP. 337.—An ACT to amend and re-enact sections 4100, 4104, 4105, 4109, 4116.
4117 and 4118 of the Code of Virginia, of 1919. [H B 405]

### Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That sections forty-one hundred, forty-one hundred and four, forty-one hundred and five, forty-one hundred and nine, forty-one hundred and thirteen, forty-one hundred and sixteen, forty-one hundred and seventeen, forty-one hundred and eighteen of the Code of Virginia of nineteen hundred and nineteen, be amended and re-enacted so as to read as follows:

Sec. 4100. What part of capital stock to be paid before commencing business; when residue to be paid; stock to be sold at not less than par; no commission or fees to be paid for sale of stock; individual liability of stockholders.—Hereafter the subscriptions to the capital stock of any bank, incorporated under the laws of Virginia, shall be paid in money at not less than par, and at least the minimum amount of capital prescribed by the charter shall be subscribed, and at least fifty per centum of the subscription of each subscriber shall actually be paid in in cash before such bank shall be authorized to begin business, and the remainder of the capital stock of such bank shall be paid in monthly installments of at least ten per centum of the whole capital, payable at the end of each succeeding month from the date of the certificate of the State corporation commission authorizing such bank to begin business. The payment of each monthly installment shall be certified to the chief examiner of banks, under oath, by the president or cashier of such bank. But no bank shall be authorized to begin business until at least fifteen thousand dollars of its capital stock has been actually paid in money, and no trust company shall be authorized to begin business until the provisions of section forty-one hundred and forty-six shall have been complied with. Subscriptions to the capital stock of every bank, heretofore or hereafter incorporated under the laws of this State, shall be paid in money and accounted for to the bank in the full amount paid for the same. No commissions, fees, brokerage, or other compensation of any kind, by whatever name it may be called, either directly or indirectly, shall be paid to any person, persons, partnership, association or corporation for the sale of such stock of any bank or trust company hereafter chartered. The State corporation commission shall refuse to issue a certificate of authority to any bank to commence business if commissions, fees, brokerage, or other compensation, by whatever name it may be called, either directly or indirectly, have been paid or contracted to be paid by any bank, or by any one in its behalf, to any person, persons, partnership, association or corporation for the sale of stock in such bank. If the provisions of this section are violated by any bank, heretofore or hereafter incorporated under the laws of this State it shall be liable to a fine of one thousand dollars, to be imposed and judgment entered therefor by the State corporation commission, and enforced by its process.

Sec. 4104. Limitation to amount invested in bank building, furni-

ture and fixtures.—It shall hereafter be unlawful for any bank or trust company incorporated under the laws of this State, to invest in its bank building and premises, including its furniture and fixtures, an amount greater than fifty per centum of its paid-in capital stock undiminished by losses. For any violation of this section the directors of the offending corporation shall individually be responsible.

Sec. 4105. Not to begin business before obtaining certificate from State corporation commission; publication of certificate; prescribing prorate fees in certain cases.—Before any bank shall begin business it shall obtain from the State corporation commission a certificate of authority authorizing it so to do; and prior to the issuance of such certificate, the State corporation commission, through its chief examiner of banks, or one of his assistants, shall ascertain that all of the provisions of law have been complied with, that the required amount of capital stock has actually been subscribed and paid in cash, and that the oaths of all of its directors have been taken and filed in accordance with the provisions of section forty-one hundred and seventeen of the Code of Virginia. The bank within ten days after the receipt of the certificate from the State corporation commission shall cause the same to be published in some newspaper printed in the county or city where such bank is located, once each week for two successive weeks, or if no newspaper is published in said county or city, then said publication shall be made at the nearest place at which a newspaper is published. Proof of such publication shall be filed with the State corporation commission. For any violation of this section such bank shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars per day for each day's violation, said fine to be imposed and judgment entered by the State corporation commission, and enforced by its process. Every bank authorized to begin business after the first day of July and before the thirty-first day of December in any year shall pay the full amount of fees prescribed in section forty-one hundred and twenty-two; and every bank authorized to begin business after the first day of January and before the thirtieth day of June or any year shall pay one-half of the fees prescribed by section forty-one hundred and twenty-two. Such fees shall be based on the total resources of such bank at its first examination after it has been authorized to begin business, and at that time collected by the chief examiner of banks and paid into the treasury as other funds arising under the provisions of this chapter.

Sec. 4109. The election of president; how often directors to meet.—The directors of every bank, as soon as may be after their first election, and after every annual election of directors, shall elect from their own body a president, who shall act until his successor is elected or appointed. The directors shall elect or appoint, as the case may be, such other officer or officers, clerk or clerks, as may be prescribed by the by-laws or which in the judgment of the directors may be neecssary for the proper conduct of the business of the bank. The board of directors shall require bonds from all of the active officials and employees of the bank. The surety on every bond shall be some



good, solvent bonding or surety company authorized to transact business in Virginia, and the penalty of any such bond shall be increased whenever in the opinion of the State corporation commission it is deemed necessary for the protection of the public interest. The board of directors of every bank shall hold meetings at least once in each calendar month, at which meeting a majority of the whole board shall be necessary for the lawful transaction of business, except that the stockholders, by by-law may fix any number not less than five as quorum.

Sec. 4113. How banks may use their deposits and other funds.—Every bank shall have power to use money it may receive on deposit, and its other funds in the manner prescribed in section forty-one hundred and eleven; provided, however, that every such bank shall at all times maintain a reserve of at least ten per centum of its demand deposits and at least three per centum of its time deposits. Reserve shall consist of actual cash on hand and balances payable on demand, due from other approved solvent banks. The term "demand deposits" shall mean all deposits the payment of which can be legally required under thirty days. The term "time deposits" shall mean all deposits the payment of which cannot be legally required

less than thirty days and represented by a certificate of deposit which so states or by a pass book issued to the customer in which the notice required for withdrawal is printed, written or stamped in such pass

book.

Sec. 4116. Directors must be stockholders; shares required to qualify.—Every director of a bank shall be the owner in his own name and have in his personal possession or control shares of stock in the bank of which he is a director, having a par value of not less than one hundred dollars, which must be unpledged and unencumbered at the time of his becoming a director and during the whole of his term as such. Any director violating the provisions of this section shall immediately vacate his office and the remaining directors shall proceed forthwith to fill such vacancy as provided in section

forty-one hundred and eighteen.

Sec. 4117. Oaths of directors.—Every director of a bank incorporated under the laws of this State shall, within sixty days after his election, take and subscribe to an oath that he will diligently and honestly perform his duties as a director, and that he is the owner and has in his personal possession or control, standing in his own name on the books of the bank, unpledged and unencumbered in any way, shares of stock of the bank of which he is a director aggregating not les than one hundred dollars; and in case of re-election or re-appointment that during the whole of his immediate previous term as a director such stock was not at any time pledged or in any other manner encumbered or hypothecated to secure a loan. Such oath subscribed to by such director, certified by the officer before whom it is taken shall be transmitted by the cashier of said bank to the chief examiner of banks. Any director who fails for a period of sixty days after his election or appointment to take the oath required

by this section shall automatically forfeit his office and the remaining directors shall appoint some qualified stockholder to fill his place and stead.

Sec. 4118. The election of directors; vacancies; how filled.—The directors shall be elected at the annual meeting of the stockholers, and all directors shall hold office for the term prescribed in the certificate of incorporation, or by-laws, and shall remain in the office until their successors are elected and qualified, subject to the provisions of section forty-one hundred and sixteen. Any vacancy in the office of director shall be filled by appointment by the remaining directors. and any director so appointed shall hold office until next election unless sooner removed for cause or his office becomes vacant under the provisions of this chapter; provided, however, that if the bylaws of any bank shall provide for a greater number of directors than the number of those elected at the annual meeting of the stockholders, the board shall have the right or privilege to increase the number of directors to the maximum number prescribed in such bylaws. The directors so elected by the board to hold office until the next annual meeting or until their successors are elected and qualified subject to the provisions of sections forty-one hundred and sixteen and forty-one hundred and seventeen.

CHAP. 338.—An ACT to authorize and empower the governor, with the advice of the attorney general, to employ special counsel or attorneys for the State of Virginia to prosecute and recover any claims that may be due this State from the United States of America, on account of putting the public school system of the State of Virginia on an equal basis with other States of the Union that have received public lands from the United States of America for the maintenance of their public school system.

[H B 451]

#### Approved March 23, 1922.

Whereas, pursuant to acts of Congress from seventeen hundred and eighty-five until eighteen hundred and fifty-three the United States of America has donated to certain States of he Union, upon their coming into the Union, certain portions of the public lands for public school purposes; and

Whereas, a large number of the States of the Union, Virginia included, have not thus far participated in this allotment of distribution resulting, among other things, in the retarding of the development of the public school system of the States thus discriminated

against; and

Whereas, it is expected that legislation will be introduced in the Congress of the United States on behalf of these participating States. Virginia included, looking to their further participation in the allotment of public lands of the United States for the improvement and betterment of their public school system; and

Whereas, it is desirable that all proper steps be taken on behalf of the State of Virginia, looking to the participation of this Commonwealth in such allotment or apportionment of public lands for the purposes indicated; therefore, 1. Be it enacted by the general assembly of Virginia, That the governor, with the advice of the attorney general, is hereby authorized and empowered to employ special counsel or attorneys for the State of Virginia for the purpose of using all proper diligence and means for and on behalf of the State of Virginia to prosecute and collect against the United States any claim of the State of Virginia involving said equalization and adjustment of the public lands of the United States for the benefit of the school system of the State of Virginia and generally collect and recover from the United States all such claims made or to be made against the United States by the State of Virginia.

2. It is understood, however, that the employment of such counsel or attorneys shall be upon such terms as will insure their best services and skill as the interest of the State of Virginia may require, and they shall receive for such services and expenses connected therewith a sum not exceeding fifteen per centum of the amount of any sum recovered and paid to the State of Virginia on such claims so prosecuted by said counsel or attorneys, it being understood, however, that no obligation shall be due from or binding upon the State of Virginia until the money recovered by such counsel or attorneys shall be actually paid into the treasury for the State of Virginia or the property recovered passed into the possession of the State of Virginia.

3. The governor shall have the power and authority to contract and agree that upon the payment into the treasury of the State of Virginia of any sum of money, as herein provided, under any such contract made with such counsel or attorneys, their successors or assigns, that a sum, not exceeding fifteen per centum of such sum recovered, and paid into the State treasury, or fifteen per centum of the value of the property passing into the possession of the State of Virginia shall be paid to said counsel or attorneys, their successors or assigns, and the State auditor is hereby authorized to draw his warrant for the sum so due such counsel or attorneys upon the certificate and approval of the governor.

4. The State of Virginia shall not under any circumstances be held liable for any cost or expenses whatsoever therein or paid for the prosecution and collection of such claims, and all the cost and expenses necessary and proper therein shall be paid and discharged by said counsel or attorneys at their own proper cost and expense.

CHAP. 339.—An ACT to prescribe the number of witnesses to be paid for out of the treasury of Virginia in criminal cases. [H B 345]

### Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That not more than the maximum number of witnesses provided for herein shall be paid out of the State treasury in criminal cases:

The maximum number that may be recognized by any justice of the peace to go before the grand jury in any one case—three.

The maximum number that may be caused to be summoned by a

Commonwealth's attorney in any one case to go before a grand jury—five.

The maximum number that may be used before a justice of the

peace or police justice in the trial of any criminal case—five.

The maximum number that may be caused to be summoned by a Commonwealth's attorney for the trial of any criminal case—ten.

Provided, that nothing herein shall be construed to limit the number of witnesses that may be authorized by any court or the judge thereof in vacation to be used when the necessity for additional witnesses is made to appear to the court or the judge thereof and the consent of the court or the judge thereof in vacation is first obtained, or to limit the number of witnesses that a grand jury may of its own motion cause to be summoned.

CHAP. 340.—An ACT to authorize, empower and direct the board of supervisors of the county of Princess Anne to borrow money by the issue of bonds in the aggregate sum of five hundred thousand dollars (\$500,000), for the purpose of purchasing, building and improving roads and bridges in Seaboard magisterial district in said county; to sell the said bonds; to provide for the payment of interest thereon and principal thereof and to authorize the commission of roads and bridges of Princess Anne county, for Seaboard magisterial district, to dispense the funds so obtained. [H B 2261]

## Approved March 23, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Princess Anne county be, and it is hereby. authorized, empowered and directed to issue bonds in the aggregate amount of five hundred thousand dollars (\$500,000) in accordance with the provisions hereinafter contained, in the name of the county of Princess Anne, for the purpose of purchasing, building and improving roads and bridges in the Seaboard magisterial district in said county. But no such bonds shall be issued unless and until a majority of the qualified voters of the said Seaboard magisterial district voting at a special election to be called for the purpose by the judge of the circuit court of Princess Anne county, on petition of twenty-five qualified voters of said magisterial district, shall favor the issuance Such election shall be held, and the qualification of said bonds. of voters shall be determined in conformity with the general law concerning the holding of bond issue elections in magisterial districts.
- 2. If the majority of the voters voting at such election shall favor the issuance of said bonds, the board of supervisors at their first meeting thereafter shall direct the issue of so many of said bonds at such interest and of such maturity, subject to the provisions of this act, as the said board of supervisors may determine and shall enter of record the amount so determined and in the event they do not at said meeting direct the present issue of all of the said bonds they shall hereafter from time to time direct the residue thereof to be issued, if, when and as they deem advisable or whenever requested in writing so to do by any commission of roads and bridges of



Princess Anne county for Seaboard magisterial district now or hereafter created and existing; and in the event the said board of supervisors for any reason, fails or refuses to issue the bonds so authorized to be issued the circuit court of said county may, upon the complaint of ten (10) qualified voters of said county, residing in said Seaboard magisterial district, and after ten (10) days' notice to the chairman of said board of supervisors, for cause shown, issue an order directing the said board of supervisors, and members thereof, to issue the said bonds, or any un-issued residue thereof as the court may, from time to time deem proper to be issued, in order to enable the proper road authorities to carry out their duties as such.

The said board of supervisors shall have power to appoint an agent or agents to sell the said bonds; provided that said bonds shall be sold to be paid for in lawful money only, and upon the sale of said bonds the board of supervisors shall issue and deliver the same.

The said bonds may be either registered or coupon bonds, as said board of supervisors may prescribe and they shall have written or

printed in each, the following language, namely:

"These bonds are issued for highway improvements in Seaboard magisterial district, but the full faith and credit of the entire county of Princess Anne is hereby pledged for their payment, and a tax is to be levied upon the real estate and tangible property in said Seaboard magisterial district (including the property, if any, located, or the situs of which for taxation is, within the limits of any incorporated town situated within said district wherein real estate is subject to county and district road tax) to pay the interest on these bonds and to create a sinking fund sufficient in amount to pay the same upon maturity."

The said bonds shall be signed by the chairman and countersigned by the clerk of the said board of supervisors under the seal thereof: shall be in denominations of one hundred dollars (\$100) or some multiple thereof; shall bear interest at the rate of not less than five and one-half per centum (51/2%) and not more than six per centum (6%) per annum; shall be payable semi-annually at the office of the treasurer of said county or at the Trust Company of Norfolk, Norfolk, Virginia, and shall be payable as to the principal thereof at not exceeding thirty-four (34) years from the date thereof at said office or at said Trust Company of Norfolk, said interest rate and maturity to be determined by said board of supervisors, subject to the direction of the circuit court of said county. The said bonds may, in the discretion of the said board, with the approvel of the circuit court of said county, or the judge thereof in vacation, be made redeemable at such time or times or after such period or periods and upon such notice, as the said board, with the approval of the said court or judge thereof in vacation, may prescribe and as may be accordingly stipulated upon the face of the said bonds when issued.

The board shall deliver the said bonds to the treasurer of the county, who shall deliver the said bonds to the purchasers thereof or their order, upon the payment of the price thereof. The said treasurer and his sureties shall be liable for the amount received for said bonds

as though it were a county levy, and the said fund shall be expended in the improvement of the roads and bridges in said Seaboard magisterial district of Princess Anne county and for no other purpose.

The said treasurer shall receive as compensation for his services hereunder, one-tenth (1/10) of one per centum (1%) of the amount thus coming into his hands and also the reasonable cost to him of giving surety on such additional bond or bonds as may be required of him, if any, on account of his receipt hereafter of said funds, and the treasurer of said county shall deposit the proceeds of said bond issue in such bank or banks, at such rate of interest, if any, as may be approved by the said court or the judge thereof in vacation, to the credit of the said treasurer, to be paid out on his checks therefor; and the amount so deposited and all interest accrued therefrom shall be accounted for by said treasurer and be expended for the said purposes in the manner now or hereafter required by law. and insofar as not necessary for said improvements, in the discretion of the then existing local road authorities of said county for said district, shall be paid into such sinking fund as is provided for the payment of the principal of said bonds.

The said board of supervisors are directed before making sale of any of said bonds, to advertise for bids for the purchase of the same at least once a week for four (4) successive weeks in one or more newspapers published in the city of Norfolk, Virginia, which advertisement shall describe the bonds proposed to be sold by stating the number and amount, security and rate of interest and the time of redemption, if any, and the said board of supervisors shall receive sealed bids for said bonds, addressed to the chairman of said board, to be opened by the chairman of said board in the presence of the judge of the said court, and the highest and best bid, amounting to at least the par value of said bonds to be sold, or such lesser amount

as the said court may approve, shall be accepted.

3. Save as otherwise provided by law the redemption and payment of said bonds, and interest thereon, and the levy, collection and application of taxes therefor shall be governed by the general laws of this Commonwealth in force at the time of the issue of said bonds relating to the issuing of county bonds for permanent road or bridge improvement in the magisterial districts of the counties of the State, it being intended that bonds issued hereunder are county obligations, but payable primarily out of levies upon the property in said Seaboard magisterial district, where the proceeds of the bonds are to be expended hereunder.

4. By reason of the condition of the roads in said Seaboard magisterial district and the necessity of opening said roads for the public mails and other purposes, an emergency is hereby declared to exist and this act shall be in force from its passage.

5. All acts and parts of acts in conflict herewith are hereby repealed.

CHAP. 341.—An ACT to amend and re-enact section 3547 of the Code of Virginia.

[H B 348]

#### Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-five hundred and forty-seven of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 3547. How boundary lines of lots, tracts of land, etc., made a lawful fence; supervisors to act upon petition of majority of voters; provisions of section thirty-five hundred and thirty-eight not affected: railroads not relieved; counties not affected.—The board of supervisors in any county in this State after posting notice of the time and place of meeting thirty days at the front door of the courthouse, and at each voting place in the county, and by publishing the same once a week for four successive weeks in some newspaper of such county, if any be published therein, a majority of the board being present and concurring, may, except with relation to division line between adjoining landowners, declare the boundary line of each lot or tract of land, or any stream in such county, or any magisterial district thereof, or any selected portion of such county, to be a lawful fence as to any or all of the animals mentioned in section thirtyfive hundred and forty-one, or may declare any other kind of fence for such county, magisterial district or selected portion of the county, than as prescribed by section thirty-five hundred and thirty-eight to be a lawful fence, as to any or all of said animals; and the board of supervisors of any county shall, upon petition of a majority of the qualified voters of any voting precinct, declare the boundary lines of each lot or tract of land in such voting precinct, or any selected portion thereof to be a lawful fence as to such of the animals named in section thirty-five hundred and forty-one of the Code, as may be named in the petition, or if a majority of the qualified voters of any voting precinct thereof shall desire any other kind of fence than as prescribed by section thirty-five hundred and thirty-eight of this Code, to be established as a lawful fence for such voting precinct, and shall sign and present to the board of supervisors a petition, setting forth the kind of fence desired, the said board of supervisors shall thereupon declare the kind of fence described in such petition to be a lawful fence for such voting precinct, as to such of the animals mentioned in section thirty-five hundred and forty-one as shall be named in the petition, and the boundaries of such lot or tract of land, or stream, or the kind of fence prescribed in said petition, as the case may be, shall constitute a lawful fence as to the said animals, or such of them as may be named, after six months from the time of such action by the board, and to such extent section thirty-five hundred and thirty-eight shall be inoperative from and after the said six months. And, at any time after the expiration of two years from the date of the entry of the order of the board of supervisors heretofore or hereafter made establishing such boundary lines, such board of supervisors shall thereafter, upon the petition so to do, and upon like procedure, annul, set aside or amend such order so entered ac-



cording to the prayer of the petition, to take effect six months after

the date of the entry of the order.

But this shall not be construed as applying and shall not apply to relieve the adjoining landowners from making and maintaining their division fences, as defined by section thirty-five hundred and thirty-eight of this Code, but as to such division fences sections thirty-five hundred and fifty-five to thirty-five hundred and sixty-one, inclusive, shall be applicable. Nothing contained in this section shall relieve any railroad company of any duty or obligation imposed on every such company by section thirty-nine hundred and forty-six, or imposed by any other statute now in force, in reference to fencing their lines of railway, and rights of way; nor shall anything herein contained authorize or require the boards of supervisors to declare a more stringent fence as a lawful fence for any county, magisterial district, or selected portion of any county, than as prescribed by section thirty-five hundred and thirty-eight. This section shall not repeal the existing fence laws in any county, magisterial district or selected portion of any county, until changed by the board of supervisors, in accordance with the provision hereof; nor shall the provisions of this section apply to any county, magisterial district, or selected portion of any county, in which the no-fence law is now in force, if such no-fence law exist otherwise than under the order of the board of supervisors entered pursuant to this section.

Provided further, on and after January first, nineteen hundred and twenty-three, the boundary line of each lot or tract of land in any county in this State which may then or shall thereafter be under quarantine shall be a lawful fence as to any and all of the animals

mentioned in section thirty-five hundred and forty-eight.

The owner or manager of any animal mentioned in section thirty-five hundred and forty-eight, who shall knowingly permit such animal to run at large in any county or portion thereof, under quarantine, after January first, nineteen hundred and twenty-three, shall be deemed to be guilty of a misdemeanor, and shall be fined not less than five nor more than twenty-five dollars, in the discretion of the justice or court trying the case.

CHAP. 342.—An ACT to amend and re-enact section 6474 of the Code of Virginia.

[H B 432]

Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That section six thousand four hundred and seventy-four of the Code of Virginia be amended and re-enacted to read as follows:

Sec. 6474. When suit to enforce lien of judgment barred in equity.—No suit shall be brought to enforce the lien of any judgment heretofore or hereafter rendered upon which the right to issue an execution, or bring a scire facias, or an action, is barred by sections sixty-four hundred and seventy-seven and sixty-four hundred and seventy-eight, nor shall any suit be brought to enforce the lien of

any judgment, heretofore or hereafter rendered, against lands which have been conveyed by the judgment debtor to a grantee for value, unless the same be brought within ten years from the due recordation of the deed from such judgment debtor to such grantee. This section so far as it affects such grantees for value or those claiming under them, shall apply as well to judgments in favor of the Commonwealth as to other judgments.

2. This act shall be in force on and after January first, nineteen

hundred and twenty-three.

CHAP. 343.—An ACT to amend and re-enact sections 4804 and 4805 of the Code of Virginia.

[H B 304]

Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That sections forty-eight hundred and four and forty-eight hundred and five of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 4804. Appointment of conservators of the peace at watering place, natural cavern, university or college, or manufacturing plant; jurisdiction.—The circuit court, or the judge in vacation of the circuit court of any county in which any watering place, natural cavern, or manufacturing plant, or in which the University of Virginia, or any incorporated college, is located, may, upon the application of the proprietors of such watering place, natural cavern, or such manufacturing plant, or of the board of visitors of such university or other constituted authority of such college, appoint one or more citizens of the Commonwealth conservator or conservators of the peace, who shall hold office for one year from the time of appointment, and whose jurisdiction shall extend over the grounds attached to such watering place, natural cavern, manufacturing plant, university, or college within such limits as shall be prescribed in the order appointing such conservator or conservators. Such conservator or conservators shall, within the limits for which appointed, have the powers and jurisdiction of any other conservator of the peace.

Sec. 4805. Appointment of policemen; bond required.—The court or judge mentioned in the preceding section may also appoint, for the places mentioned in that section, one or more citizens policemen with the powers and duties of constables, except that they shall not have authority to execute civil process. Before any such policeman as is mentioned in this section shall enter upon the duties of his office, he shall enter into bond with approved security before the county clerk of the county for which he is appointed in the penalty of five hundred dollars, with condition for the faithful discharge of his official duties.

Digitized by Google

CHAP. 344.—An ACT prescribing standard barrels for lime, and regulations for containers of cement, and providing penalties for violations of this act.

[H B 341]

## Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That there is hereby established a large and a small barrel of lime, the large barrel to consist of two hundred and eighty pounds and the small barrel to consist of one hundred and eighty pounds, net weight.

2. It shall be unlawful for any person to sell or offer for sale lime in this State in barrels unless there shall be stencilled or otherwise clearly marked on one or both heads of the small barrel the figures "180 lbs. net" and of the large barrel the figures "280 lbs. net," and on either barrel in addition the name of the manufacturer of the lime

and where manufactured.

3. When lime is sold in containers of less capacity than the standard small barrel, it shall be sold in fractional parts of said standard small barrel, and the net weight of lime contained in such container shall by stencil or otherwise be clearly marked thereon, together with the name of the manufacturer thereof, and the name of the brand, if any, under which it is sold.

4. It shall be unlawful to pack, sell, or offer for sale in this State any barrels or other containers of lime which are not marked as provided in sections two and three of this act, or to sell, charge for, or purport to deliver as a large or small barrel or a fractional part of said small barrel of lime, any less weight of lime than is estab-

lished by the provisions of this act.

5. Every barrel, box or package of cement sold or offered for sale in this State shall have plainly marked thereon the name and address of the manufacturer and the number of pounds net such barrel, box or package contains.

6. Any person violating any of the provisions of this act shall

be guilty of a misdemeanor.



CHAP. 345.—An ACT to amend and re-enact sections 5, 14, 211/2, 27, 32, 35, 41, 55, 57, 63, 73 of an act to define ardent spirits and to prohibit the manufacture, use, sale, offering for sale, transportation, keeping for sale, and giving away of ardent spirits, or drugs, as herein defined, except as provided herein; declaring certain ardent spirits contraband, and prescribing procedure for search therefor and forfeiture thereof; to prohibit advertisement of such ardent spirits; to prescribe the jurisdiction for trial and appeals of cases arising under this act; to prescribe the force and effect of certain evidence and prosecution for violation of this act; to create the office of commissioner of prohibition and to define his duties and powers and compensation; defining intoxication and who is a person of intemperate habits within the meaning of this act; prescribing a penalty for intoxication; prescribing certain rules of evidence in certain prosecutions under this act; defining soft drinks, providing how they may be sold, regulating the sale of toilet, antiseptic preparations, patent and proprietary medicines, and flavoring extracts; exempting certain counties and chies from certain provisions of this act and authorizing additional restrictions and limitations beyond the provisions of this act as to sale, manufacture or delivery of ardent spirits in certain counties and cities; to provide for the enforcement of this act and to prescribe penalties for the violation of this act; to appropriate out of the treasury of the State necessary moneys for the enforcement of this act; and to repeal chapter 146 of acts of assembly, 1916, approved March 10, 1916, and all other acts or parts of acts in conflict with this act, approved March 19, 1918, as heretofore amended, and to add to said act the following new sections, to be numbered sections 5½, 5½, 21½, 32½, 35½, 55-f, 57¼, 57½-a, 70½, 77, 78, respectively, and to be properly inserted serially as numbered in said act, and to repeal all acts or parts of acts in conflict with this act.

# Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That sections five, fourteen, twenty-one and one-half, twenty-seven, thirtytwo, thirty-five, forty-one, fifty-five, fifty-seven, sixty-three, seventythree, of an act entitled an act to define ardent spirits and to prohibit the manufacture, use, sale, offering for sale, transportation, keeping for sale, and giving away of ardent spirits, or drugs, as herein defined, except as provided herein; declaring certain ardent spirits contraband, and prescribing procedure for search therefor and forfeiture thereof; to prohibit advertisement of such ardent spirits; to prescribe the jurisdiction for trial and appeals of cases arising under this act; to prescribe the force and effect of certain evidence and posecutions for violation of this act; to create the office of commissioner of prohibition and to define his duties and powers and compensation; defining intoxication and who is a person of interperate habits within the meaning of this act; prescribing a penalty for intoxication; prescribing certain rules of evidence in certain prosecutions under this act; defining soft drinks; providing how they may be sold; regulating the sale of toilet, antiseptic preparations, patent and proprietary medicines, and flavoring extracts; exempting certain counties and cities from certain provisions of this act and authorizing additional restrictions and limitations beyond the provisions of this act as to sale, manufacture or delivery of ardent spirits in certain counties and cities; and to provide for the enforcement of this act and to prescribe penalties for the violation of this act; to appropriate out of the treasury of the State necessary moneys for the en-



forcement of this act; and to repeal chapter one hundred and fortysix of acts of assembly, nineteen hundred and sixteen, approved March tenth, nineteen hundred and sixteen, and all other acts or parts of acts in conflict with this act, approved March nineteenth, nineteen hundred and eighteen, as heretofore amended, be amended and reenacted as follows, and the following new sections and subsections to be numbered sections five and one-half, twenty-one and one-quarter. fifty-five-e, fifty-seven and one-half, seventy-seven, respectively, be added thereto as amendments to said act, to be properly inserted serially, as numbered in said act.

Sec. 5. Penalties.—Any person who shall violate any of the provisions of this act shall, except as otherwise herein provided, be deemed guilty of a misdemeanor, and be fined not less than fifty dollars, nor more than five hundred dollars, and be confined in jail not less than one nor more than six months. The penalty for any subsequent offense committed after the first conviction, which is not declared a felony by this act, shall be a fine of not less than one hundred dollars, nor more than five thousand dollars, and imprisonment in jail for not less than six months nor more than one year. Whenever, in this act, the violation of any provisions is declared a felony, the person convicted of such violation shall be punished by confinement in the penitentiary for not less than one nor more than five years, or, in the discretion of the jury, by confinement in jail not less than six months nor more than twelve months, and by a fine not exceeding five hundred dollars; but where upon the trial of any charge of violation of this act, it shall appear to the court trying the case that there has been no intentional violation of any provision thereof, but an unintentional or inadvertent violation thereof, then such court shall instruct the jury that they may not impose a jail sentence.

But no court, nor the judge thereof in this Commonwealth, shall suspend the sentence of any person convicted of the illegal manufacture for sale or the sale of ardent spirits, or the transportation thereof in quantities exceeding one gallon, but where the evidence shows a quantity not exceeding one gallon the court or judge may, in its or his discretion, suspend such sentence, or for any second or subsequent conviction of any offense against the prohibition laws of this State since the first day of November, nineteen hundred and sixteen.

The term "second" or "subsequent" offenses, as used in this act. are intended to mean second or subsequent offenses committed against this act or other prohibition laws of this State since November first. nineteen hundred and sixteen.

Sec. 51/8. The words "fine" and "property accruing to the State by forfeiture," or words of the same effect as used in the laws re-

lating to enforcement of prohibition in this State construed:
Whenever the words "fine" and "property accruing to the State by forfeiture," or words of the same effect, are used in the laws providing for enforcement of prohibition in this State they shall be construed to mean the net amount remaining after deducting costs payable out of the State treasury from the appropriation made to pay the criminal charges of the State, authorized under said prohibition laws, also the amount authorized by the laws for enforcement of prohibition in this State in connection with the seizure or sale of forfeited property, and all fines and proceeds accruing from the sale of forfeited property shall be accounted for by the officer receiving the same separately from other fines and forfeitures, and all costs payable out of the State treasury from the appropriation for the payment of criminal expenses in connection with the enforcement of prohibition laws of this State shall be allowed and paid separately from other costs made a charge by law upon the treasury payable from the appropriation for criminal expenses.

Sec. 51/4. Whenever a fine is prescribed for the violation of the laws for the enforcement of prohibition in this State, and such fine and the costs incident to the prosecution and conviction are not paid, the defendant shall be sentenced to the State convict road force for a period not less than three months nor more than six months, and if the law prescribes a jail sentence and such sentence is imposed, then the defendant shall be sentenced to the State convict road force for the period of such jail sentence, and for the additional period of not less than three months and not more than six months as herein

provided.

Sec. 5½. Penalty when firearms or other deadly weapons are found in possession of persons unlawfully engaged in manufacturing, transporting or selling ardent spirits.—If any person shall unlawfully manufacture, transport, or sell any ardent spirits, as herein defined, and at the time of such manufacturing, transporting, or selling, or aiding or assisting in any manner in such act, shall carry on or about his person, or have on or in any vehicle which he may be using to aid him in any such purpose, or have in his possession, actual or constructive, at or within one hundred yards of any place where any such intoxicating liquor is being unlawfully manufactured, transported or sold, any firearm, dirk, bowie-knife, razor, slung-shot, metal knucks or any weapons of like kind, he shall be deemed guilty of a felony, and on conviction shall be confined in penitentiary not less than one year nor more than three years, or, in the discretion of the jury, or the court trying the case without a jury, confined in the jail for not less than six months nor for more than twelve months. Any such firearms, dirk, bowie-knife, razor, slung-shot, metal knucks or any weapons of like kind shall be confiscated as now provided by law.

Sec. 14. Issue of license to druggists; statement required of druggists; license to hospitals, chemical laboratories, and statements required; bond required upon issuance of license.—Before a druggist shall sell ardent spirits on prescription, or pure fruit, ethyl, or grain alcohol for scientific, mechanical or pharmaceutical purposes, or wine for sacramental purposes on affidavit as provided in this act, he must procure a license to do so from the circuit court of the county, or the corporation or hustings court of the city; provided, no such



license shall be required for the sale of articles permitted to be manufactured and sold under section eight-b of this act.

Before making application for such license notice must be posted and continuously kept on the front of the store or place of business in which the privilege is to be exercised for at least thirty days before making the application, stating the court before which and the time at which the application will be made for license to sell pure fruit, ethyl and grain alcohol, wine for sacramental purposes, and other ardent spirits. Such notice shall be published once a week for three successive weeks in some newspaper published in the county or city, and if there is no newspaper published in the county in which the privilege is to be exercised, the notice shall be published in some newspaper having general circulation therein and shall be posted for twenty days on the front door of the court house of said county.

Before the court shall grant any license, the judge thereof shall be satisfied that the person making the application is a qualified voter of the State, unless the applicant is of good moral character, is a registered pharmacist in good standing, that he has in his store drugs belonging to him, and not including patent medicines and drugs to be sold on commission, of the value of one thousand dollars (wholesale price); provided, that in towns of less than five hundred inhabitants the value of the stock of drugs referred to above shall be not less than five hundred dollars, wholesale value, and carries on in good faith the business of a druggist; that he is not of intemperate habits or addicted to the use of any narcotic drug; that he is a person of good character and will observe the laws controlling the sale of ardent spirits and alcohol; that the applicant has presented satisfactory proof that there is a necessity existing for the granting of such license, and that the sale of ardent spirits at that place and by the applicant will not be contrary to sound public policy or injurious to the moral or material interests of the community. provided further, that in no case shall a license be granted if a maiority of the voters qualified to vote at the last preceding general election petition the court not to grant any such license in the following cases, namely: In a town of over one thousand inhabitants. the petition shall be signed by a majority of the qualified voters of such town; in a town under one thousand inhabitants, the petition shall be signed by a majority of said qualified voters of the town or magisterial district in which said town is situated; if in the district the petition shall be signed by a majority of said qualified voters of the magsterial district and towns of less than one thousand inhabitants in said magisterial district.

The court may also in its discretion issue to any wholesale druggist who is a qualified voter of the State and of good moral character, a license to sell pure grain, ethyl, and fruit alcohol, to any druggist, or other person for scientific, pharmaceutical and mechanical purposes, or wine for sacramental purposes under the provisions of section nine of this act; and pure grain, ethyl, and fruit alcohol, wine for sacramental purposes, or other ardent spirits to retail druggists in Virginia only, licensed under this act, and pure grain, ethyl

or fruit alcohol to retail druggists outside of the State of Virginia, where the sale thereof is permitted by law; provided, that any citizen may appear personally or by counsel in opposition to the granting of any license herein provided for; provided, that the provisions of this section shall not be construed to require a license for the purchase or sale of the preparations permitted to be manufactured and sold under section eight-b of this act. Each retail and wholesale druggist shall file a sworn statement with the clerk of the court granting the license on or before the fifth of each month, stating the amount of pure fruit, ethyl and grain alcohol, wine or other ardent spirits, other than preparations permitted to be manufactured and sold under section eight-b of this act, on hand the first of the previous month, the amount received during the previous month, and the amount on hand the date the statement is made. Nothing in this act shall prevent the superintendent of a hospital from ordering, purchasing or receiving ardent spirits or the superintendent of a chemical laboratory from ordering, purchasing or receiving pure grain, ethyl or pure fruit alcohol for the use of the hospital or laboratory, not to be used contrary to the provision of this act, and nothing shall prevent common carriers from transporting and delivering such ardent spirits and alcohol to such hospitals or laboratories having license to order and receive the same, under a permit from the commissioner, but before ordering or receiving said ardent spirits other than preparations permitted to be manufactured and sold under section eight-b of this act, before ordering or receiving said alcohol, the hospital or laboratory shall procure license from the court under the same conditions as license is granted to druggists; provided further, that it shall be unlawful for any hospital to sell ardent spirits, other than preparations permitted to be manufactured and sold under section eight-b of this act, except upon prescription to its own patients under the same restrictions and reports required of druggists; and provided further, that chemical laboratories shall make report as required of druggists of the disposition and use of all alcohol received by them.

No pharmacist licensed under the provisions of this act shall charge more than one hundred per centum gross profit on any medicinal or sacramental ardent spirits sold hereunder, and a violation of this provision shall work a forfeiture of his license; but no druggist shall dispense any but pure liquor of standard proof.

If the license is granted the applicant shall give bond in the penalty of not less than one thousand dollars, nor more than ten thousand dollars, as the court may require, with security to be approved by the court and with condition that he will not dispense or

sell any ardent spirits or alcohol, except under and in accordance with the provisions of this act.

Sec. 2114. Making it unlawful to manufacture stills, or to transport or have in possession material therefor, and declaring all such stills and material contraband. It shall be unlawful for any person, firm or corporation, other than public service corporations, to ship or transport into the State of Virginia, or from one point to another



within the State, distilling apparatus or material for the manufacture of the same or to manufacture distilling apparatus for the purpose of manufacturing whiskey, beer or any other ardent spirits, and any person, firm or corporation found with material in possession acquired for use in the manufacture of distilling apparatus, shall be deemed prima facie guilty of manufacturing such apparatus, and upon conviction thereof, shall be fined not less than fifty dollars nor more than one thousand dollars, or confined in jail not less than sixty days nor more than twelve months, or both, in the discretion of the court or jury trying the case, and such material shall be declared contraband and confiscated. Nothing in this section shall prevent merchants and regular dealers from handling and offering for sale sheet copper, copper tubing or other metal stock usually carried by such dealers.

Sec. 211/2. Requiring stills to be registered and declaring all unregistered stills contraband; proceedings upon seizure, providing for the registration of certain stills and issuance of a permit from the commission.—It shall be unlawful for any person except duly licensed druggists, hospitals and laboratories, in this State, to own or have in his possession any still, still cap, worm, tub, fermenter, or any of them or any other appliances connected with a still and used, or mash or other substances, capable of being used in the manufacture of ardent spirits, unless such owner shall be registered with the commissioner and obtain from him a permit to own such still, which permit shall be kept conspicuously posted at the place where such still is located. All stills in this State not registered under a permit as herein required and all mash or other products used in the operation of such a still are hereby declared contraband and shall be subject to seizure by any officer charged with the enforcement of the law, which officer shall destroy all mash and other like products found at such still and used in the operation thereof and shall forthwith notify the commissioner and turn over to him all still caps, worms, tubs, fermenters, and other appliances to be disposed of as required by this act.

When any property is seized under this section the officer making such seizure shall report the fact to the Commonwealth's attorney of the county or city in which such seizure is made, who shall at once file any information in the name of the Commonwealth against such property, by name or general designation. The information shall allege the seizure and set forth in general terms the cause or grounds of forfeiture. It shall also pray that the property be condemned and sold and the proceeds disposed of according to law, and that all persons concerned in interest be cited to appear and show cause why the said property shall not be condemned and sold to enforce the forfeiture, said information shall be sworn to by the Commonwealth's attorney. Upon the filing of the information the clerk shall issue a notice reciting briefly the filing of the information, the object thereof, the seizure of the property and citing all persons interested to appear on the first day of the next term of said court, if that be more than ten days from the date of such notice, or

if not, on the first day of the next succeeding term, and show cause why the prayer of the information for condemnation and sale should not be granted. He shall at least ten days before the day fixed by the notice for the appearance, post a copy of said notice at the front door of the courthouse, which posting shall be sufficient service of the notice on all persons concerned in interest. If any claimant appear he shall file the grounds of his claim in writing under oath in which event the proceedings shall conform as nearly as practical to chapter one hundred and thirty-one of the Code of Virginia of nineteen hundred and nineteen. In the event any such claimant appear the clerk shall forthwith notify the commissioner.

Provided the commissioner shall upon the application of any chemist, superintendent of a laboratory or hospital, physician or other person permitted by law to practice his profession or conduct his business in this State register such person, and issue to him a permit to own or have in his possession a still, not to be used contrary to the provisions of this act, which permit shall be granted subject to rules and regulations to be prescribed by the commissioner and be subject to suspension and revocation for cause, for which per-

mit the applicant shall pay a fee of fifty cents.

Whenever any still is seized under the provisions of this act and the party owning or operating the same is arrested the officer making the seizure and arrest shall be allowed a fee or reward of fifty dollars and upon conviction of said person, the attorney for the Commonwealth shall receive a fee of ten dollars, which shall be taxed against the defendant and collected as other costs in the manner provided by law. And the fees or rewards herein directed to be paid shall be paid, anything in the charter of the cities and towns in this

Commonwealth to the contrary notwithstanding. And if for any reason the said sum of fifty dollars cannot be collected from the defendant after conviction, the said officer making the seizure and arrest shall be paid the sum of twenty-five dollars to be paid as now prescribed by law for the payment of costs in criminal cases. And said officer shall be allowed the sum of ten dollars for the seizure and confiscation of a copper still, and two dollars and a half for the capture of any still made of material other than copper, whether or not the operator is arrested or convicted, provided such still has a capacity of not less than five gallons, said still, whether such still is made of copper or other material, cap and worm to be delivered to the sheriff of the county or sergeant of the city, who shall report same to the judge of the circuit or corporation court of the county or city in which such seizure and delivery is made. upon whose certificate said sums respectively shall be paid by the auditor of public accounts as other criminal expenses are paid, and such sheriff, upon the order of the judge of his court, shall forthwith dispose of such stills as is herein provided.

All persons found at a distillery where whiskey, beer or other ardent spirits are being manufactured shall be deemed prima facie guilty of manufacturing the same or aiding and abetting in such



manufacture and upon conviction thereof shall be subject to the same

penalties as if manufacturing the same.

Sec. 27. City ordinances regulating the sale, et cetera, of ardent spirits.—All counties coming within the provisions of chapter one hundred and two, acts of general assembly, nineteen hundred and sixteen, and chapter three hundred and forty-nine, acts of general assembly of nineteen hundred and twelve, and all cities and towns of the State of Virginia shall have full power (anything in their charters to the contrary notwithstanding) to pass any and all ordinances (not repugnant to the Constitution and laws of the State), and such cities and towns are hereby authorized and empowered to pass such ordinances embracing such provisions of this act as are applicable, and further to prohibit the manufacture, transportation, sale, keeping or storing for sale, advertising or exposing for sale, receiving, giving away, or dispensing ardent spirits, and to provide adequate penalties therefor, provided such penalties shall be the same as those provided under the prohibition laws of the State for similar offenses. Wherever the violation of the prohibition law of this State is made a felony and the punishment therefor is confinement in the penitentiary the ordinances herein provided for shall make such offenses misdemeanors and punishable by fine not exceeding five hundred dollars and confinement in jail not less than six months nor more than twelve months, with the right to require the defendant to work out the terms of his confinement on the public roads of this

All ordinances of the cities and towns of the State of Virginia heretofore passed in pursuance of and in conformity with section twenty-seven of chapter three hundred and eighty-eight of the acts of nineteen hundred and eighteen, are hereby validated, anything in their charters to the contrary notwithstanding.

All fines imposed under the ordinances of cities and towns and counties for the violation of such ordinances with reference to prohibition, adopted under and pursuant to this section, shall be paid to and be retained by such cities and towns and counties. The Commonwealth shall not be chargeable with any costs for enforcing the provisions of this section, nor shall any such costs be paid out of the State treasury.

Sec. 32. The attorney general of the Commonwealth, in addition to the duties now imposed upon him by law, after the thirty-first day of August, nineteen hundred and twenty-two, shall take care that the provisions of this act, and all other prohibition laws of this State, are faithfully executed, and he is hereby authorized and empowered to appoint and employ, and to remove or to discharge at will, any assistants, attorneys, agents, inspectors, or other employees that he may deem necessary or needful, to use in and about the discharge of his said duty in regard to the enforcement of this act, and all other acts relating to the prohibition laws of the Commonwealth.

The attorney general and his assistants, attorneys, agents, inspectors or other employees, shall diligently inform themselves of all violations of the prohibition laws of this State, and shall see that

such violations are properly and vigorously prosecuted. For the purposes of this act the attorney general and his assistants, attorneys, agents, inspectors, or other employees, shall have the powers of sheriffs and special police, and whenever he deems it necessary for the proper enforcement of the prohibition laws of this Commonwealth or for the best interests thereof, he shall associate himself, or one or more of his assistants, with the attorney for the Commonwealth in my county or corporation in the prosecution of any complaint or case arising under the prohibition laws of this Commonwealth. All the powers and duties conferred and imposed by this or any other act of this State relating to prohibition upon the commissioner of prohibition, are hereby conferred and imposed upon the attorney general, and wherever the term "commissioner of prohibition" is used in such laws the term "attorney general" is hereby substituted therefor.

For the purpose of carrying this act and all other prohibition laws of this State into effect, there is hereby appropriated out of any moneys in the treasury of Virginia, not otherwise appropriated for the use of the attorney general, the sum of thirty-five thousand dollars for the six months beginning September first, nineteen hundred and twenty-two, and ending February twenty-eighth, nineteen hundred and twenty-three, and there is likewise appropriated for the year beginning March first, nineteen hundred and twenty-three, and ending February twenty-ninth, nineteen hundred and twenty-four, any unexpended balance on hand March first, nineteen hundred and twenty-three, of the appropriation of thirty-five thousand dollars for the six months ending February twenty-eighth, nineteen hundred and twenty-three, and the further sum of seventy thousand dollars, or so much thereof as may be necessary.

Nothing in this act shall be construed as taking from the attorneys for the Commonwealth, sheriffs or other officers charged with the enforcement of the prohibition laws, any of the powers conferred by this or other prohibition laws upon them, nor shall it be construed as relieving them from their duty and responsibility in connec-

tion with the enforcement of such laws.

The attorney general shall make an annual report to the governor, which by the governor shall be biennially reported to the general assembly; such report shall give in detail the expenditure of all public moneys hereby appropriated, and the work of his department in connection with the matter of the enforcement of the prohibition laws of the State, together with such recommendations for new or additional legislation in reference to his powers and duties as he may deem expedient. Such annual report shall also show:

(1) The amount of money realized each year from the sale of confiscated vehicles, in what county, or city the said vehicles were confiscated, and whether said vehicles were seized by officers of his

department, or by local officers:

(2) What proportion of the fines imposed upon persons violating the provisions of the prohibition laws were imposed upon persons arrested by officers of his department, and what proportion upon

persons arrested by local officers, and what proportion upon persons arrested by joint action of officers of his department and local officers;

(3) What quantity of the ardent spirits seized were seized by

officers of his department, and what quantity by local officers;

(4) The number of defendants prosecuted for violating the provisions of this act by attorneys of his department, and the number prosecuted without assistance of his department, giving in each case the number convicted and the number acquitted;

(5) The quantity of ardent spirits destroyed, when and by whom,

and the quantity sold, when and to whom; and

(6) From whose possession ardent spirits seized by officers of his department were taken, and if not taken from persons under what circumstances seized.

Sec. 32½. If any assistant attorney, agent, inspector or other employees of the department of the attorney general, or any administrative officer charged with the enforcement of the prohibition laws of this State shall fail to account for and deliver to the proper authorities any ardent spirits taken by such officer in pursuance of law or if any such officer shall knowingly and wilfully violate the prohibition laws of this State he shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than two hundred and fifty dollars nor more than one thousand dollars and by confinement in jail not less than six months nor more than twelve months and shall be summarily dismissed from office.

Sec. 35. Powers of assistants, attorneys, agents, inspectors and other employees of the attorney general.—The assistants, attorneys, agents, inspectors and other employees of the attorney general provided for in this act, and all other officers charged with the enforcement of the prohibition laws of this State, shall have the power to administer oaths, take affidavits, and examine records, and with a warrant enter buildings, and without a warrant, may enter freight yards, passenger depots, baggage and storage rooms of any common carrier, and may enter any train, baggage, express, or freight car, and any boat, flying machines of any kind and submarines, automobile, or other conveyance, whether of like kind or not, or any billiard room, pool room or bowling alley, where there is reason to believe that the law relating to ardent spirits is being violated; but nothing in this proviso contained shall be construed to permit a search of any occupied berth or compartment of any Pullman car, or boat, or any hand bag, suit case or trunk on any train or passenger steamboat, or the usual and ordinary hand baggage of pedestrians, unless such person be found in the act of violating the provisions of the prohibition laws of the State, but it shall be lawful to inspect and examine any such baggage while same shall be carried or found in any boat, automobile or other vehicle herein named, except a train or passenger boat, without a search warant; and if any such officer shall search any private dwelling as defined in this act, and occupied as such, or any occupied berth or compartment of any Pullman car or boat, without a warrant directing such a search, he shall be guilty of a misde-



meanor, and upon conviction thereof shall be fined not exceeding five hundred dollars and shall be removed from office.

Sec. 35½. If any person shall manufacture, sell, offer for sale or have in his possession for sale any ardent spirits containing wood alcohol, caustic potash, extract of fish berries or other poisonous substance, whether similar thereto or not, such person shall be punished by confinement in the State penitentiary for not less than one nor more than ten years, or in the discretion of the jury confined in jail not less than six nor more than twelve months, and if any person shall die from having drunk such ardent spirits, containing such poison then any person having manufactured the ardent spirits causing such death, or any person having sold such ardent spirits, shall be prima facie guilty of murder in the second degree.

Sec. 41. Giving ardent spirits to minor, et cetera; sending minors and females for ardent spirits; persons of intemperate habits or found intoxicated, required to disclose from whom they obtain ardent spirits; penalty for refusal; possession of ardent spirits by minors a misdemeanor; penalty.—It shall be unlawful for any person to give ardent spirits to any person of intemperate habits or addicted to the use of any narcotic drug, or for any person, except a parent or guardian, to give any ardent spirits to a minor, except on the prescription of a physician, or to send a minor or a female to obtain ardent spirits.

It shall be unlawful for any person or persons whether parents or otherwise to send or use a minor or female in the purchase or sale of ardent spirits, or to deliver the same whether gift, purchase or sale, and upon conviction for a violation of this section, the same penalties shall be imposed upon such parents or other persons as are

provided for under section five.

Any persons of intemperate habits or addicted to the use of any narcotic drug, found to be intoxicated or under the influence of ardent spirits or any narcotic drug, shall be compellable in any proceedings had under this act to disclose from whom he has received such ardent spirits or drug. For a failure or refusal to make such disclosure he shall be guilty of contempt and shall be fined not less than five dollars nor more than fifty dollars and be committed to the jail for a period not exceeding thirty days, unless such persons shall sooner disclose from whom he has received such ardent spirits or drugs.

It shall be a misdemeanor for any minor to have ardent spirits in his possession or under his control, whether belonging to himself or another, and upon conviction, he shall be fined not less than ten nor more than five hundred dollars, and, in the discretion of the court, he may be sentenced to jail, or to a reformatory, for not less than one nor more than six months. And if it shall appear in any prosecution, under this section, that such minor is acting as the agent of another person, or under his influence or control, or by his direction such persons shall be deemed guilty of a misdemeanor.

Sec. 55. Certain officials charged with the enforcement of provisions of this act; fees.—It shall be the duty of all chiefs of police, police boards, police justices, special officers, sheriffs, attorneys of the

Commonwealth, deputies, constables and justices of the peace of the counties and cities, and all mayors, sergeants and their deputies, justices of the peace and police of the cities and towns of this State to enforce all of the provisions of this act, and the neglect, failure or refusal of such officers so to do shall be deemed misfeasance in office.

For official services rendered in connection with violations of this act all said officers, including police officers of cities and towns, clerks of courts having jurisdiction to try such cases, and witnesses summoned on behalf of the Commonwealth, shall be entitled to and shall be paid the same fees as are now allowed by law in felony cases, said fees to be paid as are now or may hereafter be prescribed by law in felony cases. Provided, however, on the payment of costs by the defendant or the prosecutor (other than the Commonwealth) in such cases as are misdemeanors under this act, the clerk of the court shall pay officers and others their fees as is provided in section thirty-five hundred and thirteen of the Code, as amended.

The Commonwealth's attorney of the county or city in which preliminary hearings are to be had for the violations of this law, shall be notified by the trial officer a reasonable time before such hearings, in order that he may attend and a fee of ten dollars shall be taxed by the trial officer in favor of the attorney for the Commonwealth, to be paid by the defendant; provided further, that when the defendant pleads guilty to the charge, the fee of the attorney for the Commonwealth shall be five dollars, wherever he does appear at such preliminary hearing; and in every case where a conviction is had on the final hearing the attorney for the Commonwealth shall be allowed a fee of twenty-five dollars to be taxed with the costs and paid for by the defendant, inclusive of the fee allowed at the preliminary hearing. Where there is no conviction, or the defendant is insolvent, then the fee to be paid the attorney for the Commonwealth shall be as in felony cases.

For making an arrest for the violation of any of the provisions of this or other prohibition laws of the State, the officer making such arrest, if the defendant is convicted, shall be paid a fee of ten dollars, to be taxed as a part of the costs against such defendant, and if two or more officers unite in making such arrests, then said fee shall be apportioned among them.

Sec. 55-f. Whoever not being an officer, agent, or employee of the United States, or State of Virginia, charged with the enforcement of the prohibition law of the State shall falsely represent himself to be such officer, agent, or employee, and in such assumed character shall arrest or detain any person, or shall in any manner search the person, buildings, or other property of any person, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or imprisonment for not more than one year, or by both such fine and imprisonment.

Sec. 57. Search of vehicles in which ardent spirits being transported; vehicle to be seized and forfeited; proceedings, disposition

of ardent spirits; arrest of occupants.—When any officer charged with the enforcement of this law shall have any reason to believe that ardent spirits are being transported in any wagon, boat, buggy, automobile, or other vehicle, whether of like kind or not, contrary to law, he shall have the right and it shall be his duty to search such wagon, boat, buggy, automobile, or other vehicle, and to seize any and all ardent spirits found therein which are being transported contrary to law. Whenever any ardent spirits which are being illegally transported, or are being transported for an illegal use, shall be seized by an officer of the State of Virginia, he shall also take possession of the vehicle and team, or automobile, boat or any other conveyance, other than a conveyance owned and used by a railroad, steamboat or express company, but this proviso shall not apply to barges, tugs or small craft owned and operated by such railroad or steamboat companies, in which such liquor shall be found, and turn the same over to the sheriff of the county, or sergeant of the city in which such seizure shall be made, and such vehicle and team, automobile, boat or other conveyance shall be forfeited to the Commonwealth; and shall report the seizure to the attorney for the Commonwealth of the county or city in which such seizure shall be made, and to the commissioner in writing, and the attorney for the Commonwealth shall file any information in the name of the Commonwealth against such vehicle and team, automobile, boat, or other conveyance by the name or general designation. The information shall allege the seizare, and set forth in general terms the cause and grounds of forfeiture. It shall also pray the property be condemned and sold and the proceeds be disposed of according to law, and that all persons concerned in interest be cited to appear and show cause why the said property should not be condemned and sold to enforce the forfeiture, which information shall be sworn to by the attorney for the Commonwealth. Upon the filing of the information the clerk of the court shall forthwith issue a notice reciting briefly the filing of the information, the object thereof, the seizure of the property and citing all persons concerned in interest to appear on a specified day of the next term of the court, after the publication of said notice, and show cause why the prayer of the information for condemnation and sale should not be granted, a copy of which said notice shall be posted at the front door of the courthouse by the sheriff of the county or sergeant of the city and published by him in some newspaper published in the county or city where such seizure is made. at least five days before the return of such notice, or if there be no newspapers published in the county or city, then in some newspaper having general circulation therein, which said publication shall be sufficient service of notice on all parties concerned in interest.

Provided, that any person claiming an interest therein may give a forthcoming bond, in amount, double the value of the property so seized, conditioned that the vehicle and team, automobile, boat or other conveyance will be forthcoming in compliance with any order of the court having jurisdiction and to pay all costs and fees incident to such seizure.

Any person interested may appear and be made a party defendant and make defense to the information, which must be done by answer under oath, and the proceedings shall conform as nearly as practicable to chapter one hundred and thirty-one of the Code of Virginia of nineteen hundred and nineteen. But, provided further, that any equity or interest or any person who is in charge of such vehicle and team, automobile, boat or other conveyance, or who is an occupant of the same at the time such seizure is made, shall be forfeited by making such person or persons a party defendant, and the possession of such ardent spirits in such vehicle, automobile, boat or other conveyance, shall be prima facie evidence that the person in charge knew such ardent spirits were in such vehicle, automobile, boat or other conveyance, nor shall it be a ground of defense that such person or persons by whom said property was used in violation of law has not been convicted of such violation. The said information shall be independent of any proceedings against such person or any other for violation of law. For every information filed under this section there shall be allowed to the attorney for the Commonwealth a fee of ten dollars and to the officer making the seizure and arrest a fee of ten dollars, which shall be taxed as cost. All fees herein prescribed, and costs incident to the seizure and forfeiture of an automobile or other vehicle under this act, or any other prohibition law of the State, including commissions and cost of advertising, shall be deducted out of the proceeds of sale of such automobile or other vehicle, and the net balance turned over to the literary fund. In the event such seized automobile or other vehicle is not confiscated, the. fees to the officer making such seizure, and of the attorney for the Commonwealth, filing such information and conducting the prosecution, shall be one-half of the amounts herein stated, which fees shall be taxed against the Commonwealth and paid in the manner now provided by law.

In every case the ardent spirits shall be turned over to the commissioner as herein provided.

The officer making the seizure shall also arrest all persons in charge or occupying such team or vehicle and report all arrests made to the attorney for the Commonwealth of the county or city in which such arrests shall be made and to the commissioner in writing, and the attorney for the Commonwealth shall at once proceed against the person or persons arrested under the provisions of this act, who, upon conviction, shall be deemed guilty of a misdemeanor and shall be fined not less than fifty or more than five hundred dollars, and confined in jail not less than one nor more than six months.

Provided, that the forfeiture provided for in this section shall not apply to the transportation in personal baggage of the quantity of ardent spirits permitted by this act. And provided further, that whenever a quantity of ardent spirits is illegally transported in any automobile or other vehicle and it shall appear to the satisfaction of the court from the evidence that the owner or lienor of such vehicle and team, automobile, boat or other conveyance was ignorant of the illegal use to which the same was put, and that such illegal use was

without his connivance or consent, express or implied, and that such lienor has prior to the commission of such offense duly recorded in the county or corporation in which the debtor resides, the instrument, creating such lien and that said innocent owner has perfected his title to the vehicle, if the same be an automobile, by proper transfer in the office of the secretary of the Commonwealth, as provided by law, then such court shall have the right to relieve such owner or lienor from the forfeiture herein provided; provided, however, such lienor or innocent owner shall pay the costs incident to the capture and custody of such automobile or other vehicle and to the trial of said cause. Whenever any automobile or other vehicle or boat herein mentioned is seized under the provisions of this section, the officer making such seizure shall be allowed a fee or reward of twenty-five dollars, to be taxed against the automobile or other vehicle or boat seized and confiscated. In the event the automobile or other vehicle or boat is not finally confiscated under this section such fee shall be ten dollars, to be taxed against the confiscated vehicle or boat or the defendant, and collected as other costs in the manner provided by law. Where two or more officers unite in capturing such automobile or other vehicle or boat, said fee shall be divided among them equally.

Sec. 57¼. It shall be unlawful for any person to use any automobile or other vehicle for the illegal transportation of ardent spirits without the consent of the owner, lienor or holder of a reservation of title of such automobile or other vehicle, and for a violation of this section any person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined the sum equal to the fair cash value of said automobile at the time of such seizure, to be ascertained by a jury, or the court upon proper inquiry. In default of the payment of such fine, such person shall be committed to the road force of this State for a period of not less than three months nor more than six months.

Sec. 57½a. For leasing premises for the manufacture or sale of

ardent spirits, et cetera, and providing penalty.

Any person who shall lease, or rent, or cause to be leased or rented to another person for the purpose of the manufacture or sale of ardent spirits, any land, house, apartment or other premises or knowingly permit such land, house, apartment or other premises to be so used shall for the first offense be guilty of a misdemeanor and be fined not less than one hundred dollars nor more than five hundred dollars, and be confined in jail not less than one month nor more than six months; and for the second or subsequent offense shall be guilty of a felony.

Sec. 63. Upon the trial of any officer charged with the enforcement of the prohibition laws of the State, for an offense against the person or property of any one committed in the performance of his duties in the enforcement of such laws, on the affidavit of such officer, or his attorney, that in the opinion of such officer or attorney, such officer cannot obtain a fair trial in the county or city wherein such offense was alleged to have been committed, the court shall change the venue for the trial of such officer to some other county

or city wherein a fair trial of the alleged offense may be had. And in case of such change of venue the witnesses of the defendant shall

be paid as if they were summoned for the Commonwealth.

Sec. 70½. It shall be unlawful for any person to sell, give away, transport, distribute or have in his possession any malt, malted grain, or any mixture thereof, other than in a private home, and all officers charged with the duty of enforcing the prohibition laws of this State, or the United States, are authorized to seize any such malt, malted grain or mixture thereof wherever found other than in a private home without a warrant and to destroy the same. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor.

Sec. 73. Incriminating testimony no excuse for not testifying and prescribing certain rule of evidence.—No person shall be excused from testifying for the Commonwealth as to any offense committed by another under this act by reason of his testimony tending to incriminate himself, but the testimony given by any such person on behalf of the Commonwealth shall in no case be used against him, nor shall he be prosecuted as to the offense as to which he testified.

It shall be competent in a prosecution for any offense against the prohibition laws of the State to prove the general reputation of the

defendant as a violator of the prohibition laws.

Sec. 77. The attorney general of Virginia shall, upon it being brought to his attention that any officer charged with the enforcement of this law is violating or has since the passage of this act violated the same, then the attorney general shall institute ouster proceedings against such officer.

Sec. 78. All acts or parts of acts in conflict with this act are here-

by repealed.

CHAP. 346.—An ACT requiring every power of attorney to confess judgment to be signed and acknowledged before some officer authorized to take acknowledgments to deeds.

[H B 214]

#### Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That no power of attorney, hereafter executed, authorizing and empowering any person or attorney to confess any judgment, at any place or at any time, shall be valid unless the attorney or other person authorized to confess judgment be named in the instrument, and unless the same be signed and acknowledged before some officer authorized by the laws of this State to take acknowledgments to deeds. Any judgment confessed after this act becomes operative in pursuance of a power of attorney not in conformity with this act shall be void.

Provided, however, that nothing in this act shall be deemed to apply to notes and bonds that have been, or may be, discounted and

held by any bank or trust company.

2. All acts, or parts of acts in conflict with this act are hereby repealed.



CHAP. 347.—An ACT to amend and re-enact section 5105 of the Code of Virginia.

[H B 310]

Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-one hundred and five of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 5105. Jurisdiction of suits to affirm or annul marriages, or to obtain divorces; when such suits are maintainable.—The circuit and corporation courts, on the chancery side thereof, and every court of this State exercising chancery jurisdiction, shall have jurisdiction of suits for annulling or affirming marriage and for divorces. No suit for annulling a marriage or for divorce shall be maintainable, unless one of the parties is domiciled in, and is and has been an actual bona fide resident of this State for at least one year preceding the commencement of the suit; nor shall any suit for affirming a marriage be maintainable, unless one of the parties be domiciled in, and is and has been an actual bona fide resident of this State at the time of bringing such suit. The suit, in either case, shall be brought in the county or corporation in which the parties last cohabitated, or (at the option of the plaintiff), in the county or corporation in which the defendant resides, if a resident of this State, and if not a resident, in the county or corporation in which the plaintiff resides.

CHAP. 348.—An ACT to amend and re-enact sections 5867 and 5869 of the Code of Virginia. [H B 401]

Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That sections fifty-eight hundred and sixty-seven and fifty-eight hundred and sixty-nine of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 5867. Business to be done at Richmond.—The said court, at its session in Richmond, shall hear and determine all appeals, writs of error, or supersedeas pending therein, or which may be brought to the court from or to decrees, judgments, sentences, or orders of any courts held on the eastern side of the Blue Ridge, except the counties of Albemarle and Bedford.

Sec. 5869. At Staunton.—The court at its session at Staunton, in the county of Augusta, shall hear and determine all appeals, writs of error, or supersedeas which may be brought to the court from or to decrees, judgments, sentences, or orders of courts from the residue of the counties west of the Blue Ridge and from the cities of Buena Vista, Charlottesville, Clifton Forge, Staunton and Winchester and also from the county of Albemarle.

CHAP. 349.—An ACT to amend and re-enact an act entitled an act to create and maintain a State board of crop pest commissioners. and to define its duties and powers, approved March 5, 1900, approved May 9, 1903. [H B 187]

### Approved March 23, 1922.

- 1. Be it enacted by the general assembly of Virginia, That an act entitled an act to create and maintain a state board of crop pest commissioners, and to define its duties and powers, approved March fifth, nineteen hundred, and approved May ninth, nineteen hundred and three, be amended to read as follows:
- Sec. 12-B. Any person growing Irish or sweet potatoes tor seed, or other similar farm products, may have such seed or products inspected by applying to the crop pest commission for an inspection of the same with reference to the presence of insect pests or diseases liable to prevent the use of such plants, agreeing in the application to pay the expenses of the inspection, and upon receipt of such application and agreement, or as soon thereafter as may be conveniently practicable, the crop pest commission may comply with such request, and upon receipt of the expenses of the inspection, shall issue to the applicant a certificate showing the conditions found.

CHAP. 350.—An ACT authorizing the boards of supervisors of Princess Anne and Isle of Wight counties to make appropriations for the expenses of the judge of the twenty-eighth judicial circuit. [H B 529]

### Approved March 23, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the boards of supervisors of Princess Anne and Isle of Wight counties are hereby severally authorized to appropriate annually not exceeding two hundred and fifty dollars, for the expenses of the judge of the twenty-eighth judicial circuit.
- 2. An emergency existing, this act shall be in force from its passage.

CHAP. 351.—An ACT providing an additional regular term of court for Giles county, and prescribing the times for holding the regular terms of court in the twenty-second judicial circuit. [H B 499]

# Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That from and after the time this act goes into effect, there shall be held for the county of Giles, four regular terms of court each year; and be it further enacted that thereafter the times for holding the regular terms of the circuit courts in the twenty-second judicial circuit shall be as follows:

Giles county—Third Tuesday in March; first Tuesday in June; third Tuesday in September, and second Tuesday in December.

Tazewell county—Second Tuesday in February; fourth Tuesday in April; third Tuesday in August, and second Tuesday in November.

Bland county—Second Monday in March; second Monday in August, and fourth Monday in October.

2. This act shall be effective from and after July twentieth, nine-

teen hundred and twenty-two.

- CHAP. 352.—An ACT to prohibit members of the governing boards of institutions, supported in whole or in part by funds paid out of the State treasury, and rectors of such institutions, and presidents and chairmen of the governing boards thereof, from holding, during their terms of office, any other officer or position with the institutions on the boards of which they are serving.

  Approved March 23, 1922.
- 1. Be it enacted by the general assembly of Virginia, That no person serving as a member of the governing board of any institution, supported in whole or in part by funds paid out of the State treasury, or as rector of such institution, or as president or chairman of the governing board thereof, shall hereafter hold, during his term of office, any other office or position with the institution on the board of which he is serving; and if any such person shall hereafter accept any such office or position, such acceptance shall ipso facto vacate his office as a member of such board. Such persons who have heretofore accepted such offices or positions shall have sixty days from July first, nineteen hundred and twenty-two, in which to resign from such boards or to vacate their other offices or positions with such institutions. Nothing in this act shall be construed to prevent members of boards of agricultural colleges from doing filed or extension work.

CHAP. 353.—An ACT making it a misdemeanor knowingly and wilfully to give false and untrue information concerning any person or corporation to publishers, or employees of publishers, with intent that the same shall be published.

[H B 380]

Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That any person who knowingly and wilfully states, delivers or transmits by any means whatever to any publisher, or employee of a publisher, of any newspaper, magazine, or other publication, any false and untrue statement concerning any person or corporation, with intent that the same shall be published, shall be guilty of a misdemeanor.



CHAP. 354.—An ACT to prohibit the printing, stamping or impressing of words, figures, designs, pictures, emblems or advertisements on newspapers after the same shall have been issued for circulation, without first obtaining consent of the publisher so to do; to prohibit the circulation, distribution or sale of a newspaper so printed, stamped or impressed; and to prescribe fines and penalties for the violation hereof.

[H B 379]

# Approved March 23, 1922.

- 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person, without first obtaining the consent of the publisher so to do, to print, stamp or impress upon any newspaper or any part thereof, after the same shall have been issued for circulation by the publisher thereof, any word, figure, design, picture, emblem or advertisement with intent to cause, or which when so printed, stamped or impressed may cause, the public to believe that such word, figure, design, picture, emblem or advertisement was printed, stamped or impressed in and upon such newspaper by the publisher of the same as a part thereof.
- 2. It shall be unlawful for any person to knowingly circulate, distribute or sell, or to cause to be circulated, distributed or sold, any newspaper printed, stamped or impressed in violation of the terms hereof.
- 3. Any person violating the provisions hereof shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars, nor more than two hundred dollars, each violation to constitute a separate offense.

CHAP. 355.—An ACT to amend and re-enact section 6270 of the Code of Virginia.

[H B 403]

Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That section sixty-two hundred and seventy of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 6270. When purchaser relieved of liability from purchase money or rent; purchasers or renters from receivers, personal representatives, trustees and other fiduciaries not required to see to the application of purchase money.—When such certificate shall have been published with an advertisement of the sale or renting of property, or when such bond shall have been given prior to a sale or renting not publicly advertised, any person purchasing or renting such property in pursuance of such advertisement, or in pursuance of the decree or order of sale or renting, shall be relieved of all liability for the purchase money or rent, or any part thereof, which he may pay to any special commissioner, as to whom the proper certificate shall have been appended to such advertisement, or who shall have given the bond aforesaid.

No purchaser or renter at a duly authorized sale or renting heretofore or hereafter made by a receiver, personal representative, trustee, or other fiduciary shall be required to see to the application of the purchase money. But nothing in this paragraph contained shall be construed as enlarging the rights or decreasing the liability of such purchasers or renters any further than is expressly stated herein.

CHAP. 356.—An ACT to amend and re-enact section 6062 of the Code of Virginia. [H B 312]

Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That section six thousand and sixty-two of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 6062. How summons or scire facias served; copy to be made out for defendent; how summons for witness or juror served.—Any summons or scire facias may be served in the same manner and by the same person as is prescribed for the service of a notice under section six thousand and forty-one, except that when such process is against a corporation the mode of service shall be as prescribed by the two following sections: the clerk issuing such process unless otherwise directed shall deliver or transmit therewith as many copies thereof as there are persons named therein on whom it is to be served.

In addition to the mode of service above prescribed, a summons for a witness or for a juror may be served at his or her usual place of business or employment during business hours, by delivering a copy thereof and giving information of its purport to the person found there in charge of such business or place of employment.

CHAP. 357.—An ACT to amend and re-enact section 4930 of the Code of Virginia as amended by an act approved March 10, 1920. [H B 305]

# Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That section forty-nine hundred and thirty of the Code of Virginia, as amended by an act approved March tenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 4930. When executions of sentence to be suspended.—If a person sentenced by a circuit or corporation court to death or confinement in the penitentiary ask for time to apply for a writ of error, the said court shall postpone the execution of its sentence until a reasonable time beyond the first day of the next term of the supreme court of appeals, not exceeding thirty days after that day. In any other criminal case, wherein judgment is given by any court, and in any case of judgment for a contempt, to which a writ of error lies, the court giving such judgment may postpone the execution thereof for such time and on such terms as it deems proper. And in any case after conviction and sentence, or the execution thereof is sus-

pended in accordance with this section, or for any other cause, the court, or the judge thereof in vacation may, and in any case of a misdemeanor shall, let the prisoner to bail in such penalty and for appearance at such time as the nature of the case may require. A writ of error from the supreme court of appeals shall lie to any such judgment refusing bail or requiring excessive bail.

CHAP. 358.—An ACT to authorize the board of supervisors of Surry county to contract a loan and to issue bonds of said county for the purpose of providing a portion of the money necessary for rebuilding the courthouse of said county and furnishing the same, and for making needful and necessary improvements to the county jail.

[H B 340]

### Approved March 23, 1922.

Whereas, on the sixteenth day of January, nineteen hundred and twenty-two, the Surry county court house was destroyed by fire; and Whereas, the insurance carried on said building was not sufficient in amount to rebuild the said building and refurnish the same; and Whereas, it is needful and necessary that certain improvements be made to the county jail; therefore,

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Surry county, Virginia, be, and they are hereby, authorized to borrow a sum of money not in excess of fifteen thousand dollars to be used in the rebuilding and refurnishing of the courthouse of said county, and making needful and necessary im-

provements to the county jail.

- 2. That said loan shall be effected by issuing the bonds of the county of Surry, to be signed by the chairman of the said board of supervisors and countersigned by the clerk thereof, and sealed with its seal. And said bonds shall be made to mature at such time, or times, as the said board shall think fit, but provided, however, that the dates of maturity shall in no case be longer than fifteen years from the date of issue thereof; but provided, further, that the right shall be reserved unto the said board to anticipate the payment of any or all of said bonds at any interest paying period after the expiration of one year from the date of issue; the said bonds to be in denomination of one hundred dollars, or multiples thereof, and to be either registered or coupon bonds; and they shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually from the date of issue; and otherwise they shall be in such form as the said board may prescribe.
- 3. The said board of supervisors shall have full power to negotiate the said bonds at one time, or at different times, as money is needed, in any way they may think best, and may deposit the proceeds therefrom in any bank, or banks, in Surry county, subject to their order, pending the application of said proceeds to the purpose for which they are raised.
  - 4. The said board of supervisors shall arrange and provide for

the payment of said bonds, at or before maturity of the same, in accordance with the provisions of section twenty-seven hundred and forty-one of the nineteen hundred and nineteen Code of Virginia.

5. And there being a lack of suitable building within which to conduct the judicial and other business of the county, an emergency is declared to exist and this act shall, therefore, be in force from its passage.

CHAP. 359.—An ACT authorizing the district school board of Sussex Court House school district, in Sussex county, to borrow money for the purpose of paying the existing indebtedness of said board; and to require the board of supervisors to levy a tax to pay the interest thereon, and to create a sinking fund to redeem the principal thereof at maturity.

[S B 419]

# Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That the district school board of Sussex Court House school district, of Sussex county, is hereby authorized to borrow a sum not exceeding nine thousand dollars, and to issue bonds therefor, the said bonds to be issued in such denominations and to be payable at such time or times not exceeding fifteen years from the date thereof as the said board may provide; they shall bear interest at not exceeding six per centum per annum, and shall not be sold for less than par.

The bonds issued by said district school board in pursuance of this act shall be signed by the chairman and countersigned by the clerk thereof, and the proceeds shall be used to discharge the existing indebtedness of said district school board other than money due the literary fund. The said indebtedness shall be ascertained by the circuit court of the county, or the judge thereof in vacation, on

petition of the said district school board.

After the issuance of the bonds provided for in this act, the board of supervisors of Sussex county shall annually levy a tax, at a rate not in conflict with general law, on all the property subject to local school taxation in such district to pay the interest on the bonds, and after three years from the issuance of such bonds the board of supervisors shall annually levy a tax, at a rate not in conflict with general law, on such property sufficient to continue the payment of the interest on such bonds, and to create a sinking fund to redeem the principal thereof at maturity.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 360.—An ACT to require persons or corporations doing business under an assumed or fictitious name, and persons doing business as copartners to sign, acknowledge, and file a certificate; to designate what the certificate shall contain; to provide for recordation of such certificate, to fix fees of the clerk, and to provide a penalty for violation of this act. [S B 120]

# Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That no person nor corporation shall conduct or transact business in this State under any assumed or fictitious name unless such person or persons or corporation shall sign and acknowledge a certificate setting forth the name under which such business is to be conducted or transacted, and the names of each and every person or corporation owning the same, with their respective post office and residence addresses, and where the corporation is a foreign corporation the date of the certificate of authority to do business in Virginia issued to it by the State corporation commission, and file the same in the office of the clerk of the court in which deeds are recorded in the county or corporation wherein the business is to be conducted.

Where business is conducted in this State under an assumed or fictitious name by a corporation, such corporation shall file in the office of the clerk of the State corporation commission a copy of such certificate, duly attested by the clerk of the court in which the original is on file. Each such person or corporation now doing business in Virginia under an assumed or fictitious name shall imme-

diately comply with the foregong provisions.

- 2. No two or more persons shall carry on business as copartners unless they sign and acknowledge a certificate setting forth the full names of each and every person composing the copartnership, with their respective post office and residence addresses, the name and style of the firm, the length of time for which it is to continue, and the locality of their place of business, and file the same in the office of the clerk of the court in which deeds are recorded in the county or corporation wherein the business is to be conducted; and every change in said copartnership must be evidenced by a new certificate. The clerk with whom the certificate provided for in this, and the preceding, section of this act is filed, shall keep a book in which all such certificates shall be recorded, with their date of record, and shall keep a register in which shall be entered in alphabetical order the name under which every such business is conducted, and the names of every person owning the same. The clerk shall be entitled to a fee of fifty cents for filing and recording such certificates and entering such names.
- 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof. shall be fined not exceeding one thousand dollars, or imprisonment not more than one year, or both.



CHAP. 361.—An ACT to amend and re-enact section 6358 of the Code of Virginia. [S B 399]

### Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That section sixty-three hundred and fifty-eight of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 6358. Clerks to advertise for bids for printing.—The clerks of the supreme court of appeals at Richmond, Staunton and Wytheville, respectively, shall, annually in the month of June, solicit proposals by advertising in some convenient newspaper or newspapers, for the printing, for one year, required by the preceding section to be done.

CHAP. 362.—An ACT prescribing the time of holding the regular terms of court in the twentieth judicial circuit. [S B 431]

## Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That the time of holding the regular terms of the circuit courts of the twentieth judicial circuit shall be as follows:

Roanoke city: The fifteenth days of March, May, September and

December:

Montgomery county: The first days of February, July, October, and December and the fifteenth day of April;

Roanoke county: The first days of January, April, June, September and November;

Floyd county: The first days of March and May, and fifteenth

days of July and October.

2. The judge of the said judicial circuit may, from time to time, change the day for the commencement of the terms of his courts, or any of them, as provided in section fifty-eight hundred and ninety-three of the Code of Virginia, as amended.

CHAP. 363.—An ACT authorizing the board of supervisors of Nelson county to use the balance of the proceeds of a bond issue, authorized by chapter 96 of acts of assembly of 1920, for the purpose of building a bridge across Hat creek on the east branch road, in the neighborhood of Roseland, and for painting various bridges over Tye river in the Massie's Mill magisterial district of said county.

[S B 416]

#### Approved March 23, 1922.

Whereas, a law was passed at the last session of the legislature, authorizing the board of supervisors of Nelson county to borrow fifteen thousand dollars, to build certain bridges on Tye river, a bridge across Piney river at Lowesville, to fix the road leading to

Rose Mill, and to build a bridge across Hat creek at Roseland and a bridge across the west branch at Hat creek at Roseland, and

Whereas, after the completion of these objects other than the bridge over the west branch of Hat creek, there will likely be left from one to two thousand dollars, and

Whereas, it is deemed desirable to build a bridge across Hat creek

on the east branch road near Roseland; now, therefore,

- 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Nelson county is hereby authorized to use any of the proceeds of said bond issue, after carrying out the objects of the act aforesaid, other than the building of the bridge across the west branch of Hat creek, for the purpose of building a bridge across Hat creek on the east branch road, in the neighborhood of Roseland, and for painting various bridges over Tye river in the Massie's Mill district, or for the construction of any other bridges in said district.
- 2. An emergency existing, this act shall be in force from its passage.

CHAP. 364.—An ACT to amend and re-enact section 2146 of the Code of Virginia, and to repeal chapter 422 of the acts of 1918. [S B 267]

# Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-one hundred and forty-six of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 2146. Civil liability; seizure of the machine; liens.—In addition to such fine or imprisonment, any person violating any of the provisions of this chapter shall be liable for the damages actually sustained by reason of such violation, and such violation shall be sufficient grounds for an attachment of the motor vehivle, if it is being driven or used with the knowledge, consent or approval of the owner, and there shall be a prima facie presumption that the said motor vehicle is being used or driven with the knowledge, consent, and approval of the owner. The procedure, pleadings, and trial of the cause shall be the same as in other attachment proceedings under the provisions of the Code of Virginia of nineteen hundred and nineteen, and acts amendatory thereof. But any attachment of any motor vehicle, or sale thereof under this chapter, shall be subject to all valid and properly recorded liens thereon.

2. Chapter four hundred and twenty-two of the acts of nineteen

hundred and eighteen is hereby repealed.

3. An emergency existing this act shall be in effect from its passage.

CHAP. 365.—An ACT for the appropriation of \$500.00 out of the treasury for the payment of J. Taylor Thompson for legal services rendered the State in the matter of contest over the will of Emmett D. Gallion (deceased) in the circuit court of Prince Edward county. [S B 300]

# Approved March 23, 1922.

Whereas, Emmett D. Gallion, by his last will and testament, devised to the Commonwealth of Virginia, five hundred and forty-three acres of forest land in the county of Prince Edward, Virginia, and worth approximately eight thousand dollars, for a forest reserve; and

Whereas, the heirs-at-law of the said Emmett D. Gallion, brought a suit in the circuit court of Prince Edward county, in which court the said will was probated, for the purpose of contesting tne validity

of said will; and

Whereas, in the trial of said case before a jury, it was deemed wise and expedient to associate local counsel with the attorney

general; and

Whereas, the attorney general, with the approval and consent of the governor of Virginia, employed J. Taylor Thompson, attorney-atlaw, of Farmville, Virginia, to assist in the trial of said case, at an agreed fee of five hundred dollars; and

Whereas, compensation may be paid to the said J. Taylor Thompson for his services in said case by legislative enactment only;

Now, therefore, be it enacted by the general assembly of Virginia, That the auditor of public accounts is hereby authorized, and empowered and directed to draw a warrant on the treasurer of Virginia in favor of said J. Taylor Thompson, in the sum of five hundred dollars, payable out of any money in the treasury not otherwise appropriated.

CHAP. 366.—An ACT to amend and re-enact section 2780 of the Code of Virginia. [S B 309]

Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-seven hundred and eighty of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 2780. Treasurer to keep account of receipts and disbursements; to make bi-monthly statements; book to be open for inspection.—The treasurer shall keep a correct account of all moneys received and disbursed by him for the county. The treasurer shall keep the books, papers, and moneys pertaining to his office, at all times ready for inspection of the Commonwealth's attorney or board of supervisors, or any taxpayer of the county, and shall, when required, exhibit a statement of his accounts and the book containing a list of the warrants drawn upon him.

CHAP. 367.—An ACT to appropriate certain sums of money from the Virginia State treasury in aid of duly organized Confederate memorial associations of this State, having in charge, and that expend such money upon, cemeteries containing the graves of Confederate soldiers or sailors. [S B 280]

### Approved March 23, 1922.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be instructed and empowered to draw his warrant upon the treasurer of the State, annually, for the two years nineteen hundred and twenty-two and twenty-three, in favor of the treasurers of the following Confederate memorial associations for the following sums of money, to be by their respective associations expended in caring for the cemeteries and graves of the Confederate soldiers and sailors buried in the cemeteries herein specified; the said association through its proper officers are hereby required to settle their accounts annually before one of the commissioners in chancery of their respective counties or corporations, who is hereby directed to report same, together with all the vouchers, to the auditor of public accounts, which settlement shall show the exact work done in caring for these cemeteries and Confederate soldiers' and sailors' graves during the last two years, namely, nineteen nundred and twenty-one and twenty-two, and the money expended thereby, and the balance in the treasury of each of said associations, for which the State made appropriations for such work and care, namely:

Abingdon, ten dollars; Appomattox, forty dollars; Ashland, fifteen dollars; Bedford City, twenty-five dollars; Blacksburg, fifteen dollars; Bristol, twenty-five dollars; Culpeper, fifty dollars; Courtland, ten dollars; Charlottesville, fifty dollars; Danville, fifty dollars; Fairfax, twenty-five dollars; Emory, twenty-five dollars, Farmville and High Bridge, twenty-five dollars; Front Royal, twenty dollars; Franklin, ten dollars; Fredericksburg, one hundred dollars: Gordonsville, fifty dollars; Harrisonburg, twenty dollars: Huguenot Springs, fifteen dollars; Bethel Memorial Association of York county, ten dollars; Louisa, twenty dollars; Leesburg, twenty dollars; Lynchburg, two hundred dollars: Manassas, seventy-five dollars; Manassas Junction, seventy-five dollars: Mount Jackson, twenty dollars;

Martinsville, fifteen dollars; Montgomery White Sulphur Springs, fifteen dollars; Norfolk, one hundred dollars; Portsmouth, fifty dollars; Petersburg, five hundred dollars; Pulaski, twenty dollars; Richmond (Oakwood), five hundred dollars; Spotsylvania Courthouse, one hundred and fifty dollars; Stanardsville, ten dollars. Staunton, fifty dollars; Suffolk, fifty dollars; Woodstock, twenty dollars; Wytheville, twenty dollars; Winchester, one hundred dollars; Williamsburg, fifty dollars; Scottsville, twenty-five dollars; Warm Springs, twenty-five dollars;

That the Confederate memorial associations may receive the sums appropriated to them respectively at the season most conducive to effective use of the money for the purpose for which it is appropriated, an emergency is declared to exist and this act shall be in force from its passage.

CHAP. 368.—An ACT providing for a commission on mental health. [S B 69]

# Approved March 23, 1922.

Whereas, there is need for a more general dissemination of information and wider public interest regarding mental hygiene, the prevalence, causes and prevention of insanity, mental defect and epilepsy and their effects on the individual, his or her offspring, the community and the State; and

Whereas, inadequate special provision is now made in our public schools for the appropriate teaching and training of mentally de-

ficient, backward and epileptic children; and,

Whereas, insufficient consideration and study is given to the relationship of mental disorders and epilepsy to crime and moral delinquency; and

Whereas, defective delinquents constitute a troublesome group in our hospitals, prisons, reformatories and industrial schools, that special study and custody, and probably a separate institution; and

Whereas, many mental defectives and epileptics that cannot be provided for in our State institutions need better supervision and care than can be given them in their homes; and

Whereas, out-patients mental clinics and hospital social service

have seemed to have proven of advantage elsewhere; and

Whereas, special provision for border-line or doubtful cases, and the diagnosis and study of mental diseases in their incipiency and most curable stage should receive more attention, thereby aiding in earlier recovery; and

Whereas, a psychopathic hospital and institute seems to furnish the best means of such diagnosis and treatment, and the scientific study and research into abnormal and subnormal mental conditions and the clinical teaching of psychiatry; and

Whereas, many patients furloughed or discharged from the several State institutions for the insane, feeble-minded and epileptic frequently need advice and assistance of psychiatrists and trained social workers, in order that such cases may more readily re-adjust themselves to their environment, avoid social and economic stress, and procure suitable employment and home care and treatment, thereby preventing another mental upset; therefore,

Be it enacted by the general assembly of Virginia, That a commission on mental health be constituted and appointed by the gov-

ernor, as follows:

The chairman of the State board of public welfare, who shall be chairman; the commissioner of the same board who shall be secretary; one member of the State senate; one member of the house of delegates; the commissioner of State hospitals; the superintendent of the central State hospital and the superintendent of the Virginia colony for epileptics and feeble-minded; the State health commissioner; the superintendent of public instruction and two citizens from the State at large, at least one of whom shall be a woman, to inquire into these several matters and to report to him, with suggestions, plans and recommendations, not later than November first, nineteen hundred and twenty-three; and such report shall be incorporated in the annual report of the department of public welfare for the bi-ennial ending September third, ninteeen hundred and twenty-three, and transmitted by him to the general assembly, with such recommendations as he may deem proper and advisable, for the general welfare of the State. and the classes affected.

It is further provided that the members of said commission shall serve without pay.

CHAP. 369.—An ACT to create the Virginia commission for the blind, to define its duties, and to make appropriation for its maintenance. [H B 117]

### Approved March 23, 1922.

Whereas, it appears from recent investigation that the State of Virginia now makes no provision for the vocational and educational training of its adult blind citizens; and

Whereas, said investigation also shows that a large majority of the blind of the State have lost their eyesight after reaching an age which debars them from admission to the schools for the deaf and the blind in the State, and cannot, therefore, receive any benefit from said schools; and

Whereas, many of them, on account of their affliction, are unable

to support themselves, and are a charge on their families and com-

munities; now, therefore,

1. Be it enacted by the general assembly of Virginia, That there be created a State board, to be known as the Virginia commission for the blind, consisting of five members, to be appointed by the governor. The first appointments hereunder to be made as soon as may be after this act takes effect, and the governor shall designate two of the appointees to serve two years from the date of their appointment, and three for a period of four years from their appointment. All appointees hereunder shall hold office until their successors are appointed and qualify.

2. That said commission shall elect one of its members as chairman, who shall preside at its meetings, and shall have power to call meetings when he deems it advisable. The commission may appoint necessary officers and agents, and fix their compensation within the limits of the annual appropriation, but no person so appointed shall be a member of the commission. The commission may make its own

by-laws.

3. That the commission shall act as a bureau of information and industrial aid, the object of which shall be to assist the blind in finding employment, and to teach them industries which may be followed in their homes.

4. That the commission shall prepare and maintain a complete register of the blind in the State, which shall describe the condition, cause of blindness, capacity for educational and industrial training of each, and such other facts as the commission deems of value.

5. That the commission shall make inquiries concerning the cause of blindness, ascertain what portion of said cases are preventable, and co-operate with the State board of health in the adoption and enforce-

ment of proper preventive measures.

6. That the commission is authorized to receive and use for the purposes enumerated in this act, or any of them, donations and bequests, and is authorized to expend such donations and bequests in such manner as it may deem proper within the limitations imposed

by the donors thereof.

7. That the commission may establish, equip and maintain schools for industrial training and workshops for the employment of suitable blind persons, pay the employees suitable wages, and devise means for the sale and distribution of the products thereof; provided, that any expenditures made under this section shall not exceed the annual appropriation, or the amount received by way of bequest or donation during any one year; and provided further, that no part of the funds appropriated by the State shall be used for solely charitable purposes, the object and purpose of this act being to encourage capable blind persons in the pursuit of useful labor, and to provide for the prevention and cure of blindness.

8. That in furtherance of the purposes of this act, the commission shall have authority to use any receipts or earnings that accrue from the operation of industrial schools and workshops as provided in this act, but a detailed statement of receipts or earnings and ex-



penditures shall be carefully kept, and the commission shall make an annual report to the governor of its proceedings and operations of each fiscal year. Such report shall also present a concise review of the work of the commission for the preceding year with such suggestions and recommendations for improving the condition of the blind as may be expedient.

9. That the members of the commission shall receive no compensation for their services, but their traveling and other necessary

expenses incurred in the performance of their official duties.

10. For the purpose of paying the necessary expenses of said commission, and to carry out the provisions of this act, the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated annually out of any monies in the treasury not otherwise appropriated, to be paid by the treasurer of Virginia on the warrants of the auditor of public accounts, issued upon the vouchers of the chairman of said commission, countersigned by its secretary.

CHAP. 370.—An ACT to amend and re-enact section 4083 of the Code of Virginia.

[H B 262]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section four thousand and eighty-three of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 4083. Toll gates for sections of five miles or fractional part thereof, and punishment for unlawful use of turnpike.—When different rates are not prescribed by law, the following tolls may be received on a section of five miles of a turnpike which has been completed, to-wit: Six and a quarter cents for twenty sheep or hogs, and twelve and a half cents for twenty cattle, and so in proportion for a less or greater number; three cents for a horse or mule; five cents for a two-wheeled riding carriage; twelve cents for a one-horse, four-wheeled riding carriage; sixteen cents for a two-horse fourwheeled riding carriage; and twenty cents for a four-horse riding carriage; and for a cart or wagon, six and a quarter cents for each animal drawing it; and for every engine, machine, wagon, or other vehicle moved or drawn, in whole or in part, by steam or other motive power, six and a quarter cents for each wheel of every such engine, machine, wagon, or other vehicle moving on the ground; except that for trucks, traction engines, vans and tractors, there may be an additional charge of ten cents per ton for each ton of capacity beyond one ton, and except also that an additional charge may be made for the maintenance of a bridge in any section having a span of twenty five feet or more, such additional charge not to exceed twenty-five cents on any bridge for machines moved or drawn by steam or other motive power; and for a fractional part of a section tolls may be charged, whether the traveler, in using said fractional part, passes through a toll gate or not, to bear the same proportion to tolls for a full section as said fractional part bears to a full section; and, in no case, shall more than one toll gate be erected or be permitted to exist upon any one five-mile section of any such turnpike, whether such turnpike be heretofore or hereafter erected; nor in any case shall more than one full toll be demanded or received for travel of a full section, nor more than a proportionate toll for part of a full section of five miles. Nothing contained herein shall prevent any turnpike company from selling commutation rates or books of tickets made applicable to all classes of the traveling public.

It shall be unlawful to travel on said turnpike or road without payment of the tolls prescribed, and any violation of this provision

shall constitute a misdemeanor, and be punishable as such.

2. An emergency existing in order that the turnpike companies may prescribe proper rates of toll, this act shall be in force from its passage.

CHAP. 371.—An ACT to amend and re-enact section 6296 of the Code of Virginia of 1919, and to repeal an act entitled an act to amend and re-enact section 3418 of the Code of Virginia in regard to the appointment of commissioners to execute deeds, approved March 16, 1918. [H B 396]

### Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section sixty-two hundred and ninety-six of the Code of Virginia, be amended and re-enacted to read as follows:

Sec. 6296. Court may appoint commissioners to execute a deed of writing; effect of such deed, and so forth.—A court of equity in a suit wherein it is proper to decree or order the execution of any deed or writing, may appoint a commissioner to execute the same; and the execution thereof shall be as valid to pass, release, or extinguish the right, title and interest of the party on whose behalf it is executed as if such party had been at the time capable in law

of executing the same, and had executed it.

Every deed executed by any such commissioner shall specifically set out as nearly as practicable the name or names of the person or persons on whose behalf the same is executed; provided, that when such deed conveys the right, title, or interest of the heirs of a person who is dead, it shall be sufficient for such deed to set out that the same is executed on behalf of the heirs of such decedent. But a failure to comply with the provisions of this paragraph shall not affect or invalidate any such deed; and all deeds heretofore executed by any such commissioner in which such persons or heirs are not specifically set out are hereby validated.

2. An act entitled an act to amend and re-enact section thirty-four hundred and eighteen of the Code of Virginia in regard to the appointment of commissioners to execute deeds, approved March six-

teenth, nineteen hundred and eighteen, is hereby repealed.

CHAP. 372.—An ACT to amend and re-enact an act entitled an act to amend and re-enact sections 1 and 2 of an act approved February 11, 1896, entitled an act to constitute the town of Leesburg and adjoining territory a separate school district, and to authorize the council of said town to appoint or elect school trustees of said district; and to repeal sections 3, 4, 5, 6 and 7 of the aforesaid act; and to repeal all acts or parts of acts relating to the school district for the town of Leesburg, inconsistent with the present general law, approved February 17, 1922. [H B 493]

# Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to amend and re-enact sections one and two of an act approved February eleventh, eighteen hundred and ninety-six, entitled an act to constitute the town of Leesburg and adjoining territory a separate school district, and to authorize the council of said town to appoint or elect school trustees for said district; and to repeal sections three, four, five, six and seven of the aforesaid act; and to repeal all acts or parts of acts relating to the school district for the town of Leesburg, inconsistent with the present general law, approved February seventeenth, nineteen hundred and twenty-two, be amended and re-enacted so as to read as follows:

Section 1. That the town of Leesburg, in the county of Loudoun, together with the territory adjacent thereto and embraced within the outer boundaries of the tracts of land hereinafter set out in section two of this act, be, and the same is hereby, constituted a separate school district to be known as "The school district tor the town of Leesburg," by which name it may sue and be sued, contract and be contracted with, and be governed by and subject to all the provisions of the general school law as found in the Constitution, and the Code of nineteen hundred and nineteen, and acts amendatory thereof.

Section 2. There shall be attached to the aforesaid town of Leesburg so much of the outlying territory as is embraced within the outer boundaries of the following tracts of land, owned or formerly owned by the following named persons: Beginning with the farm of J. H. Fadeley, where it joins the land of C. A. Ellmore, thence with said outer boundary thereof to the outer lines of the lands of George T. Metzger, George W. Survick, Mistress Joseph Rhodes, J. W. Foster, Mistress J. F. Bowles, J. P. Brinton, R. T. Hempstone, Charles P. Janney, the home place of the late T. W. Edwards estate, Henry Schulke, Wallace George, Mistress Horatio Trundle, Mistress R. A. Paxton, E. B. Harrison, Henry Harrison (Ball's Bluff place), the lands of John Thomas' estate, Dr. C. S. Carter, Emil Schulke, C. A. Ellmore, to the said H. J. Fadeley's land, the beginning, and any other tracts omitted to be mentioned necessary to constitute a continuous outer boundary of said school district.

2. Sections three, four, five, six and seven of the said act, approved February eleventh, eighteen hundred and ninety-six, are hereby repealed.

3. All acts or parts of acts enacted prior to this present session, relative to the school district for the town of Leesburg, inconsistent

with the general school law, as found in said chapter of the Code of nineteen hundred and nineteen, and acts amendatory thereof, are hereby repealed.

4. An emergency existing, this act shall take effect from the date of its passage.

CHAP. 373.—An ACT to amend and re-enact sections 1799, 1802, 1807, 1817, 1822 and 1830 and to repeal sections 1831 of the Code of Virginia. [H B 267]

### Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That sections seventeen hundred and ninety-nine, eighteen hundred and two, eighteen hundred and seven, eighteen hundred and seventeen, eighteen hundred and twenty-two and eighteen hundred and thirty of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 1799. Powers and duties of commissioner of labor.—The commissioner of labor shall have power to take and preserve testimony, examine witnesses, administer oaths, and under proper restriction enter any public institution of the State, and any factory, store, workshop, laundry, or mine, and interrogate any person employed therein or connected therewith, or the proper officer of a corporation, or file a written or printed list of interrogatories and require full and complete answers to the same, to be returned under oath within thirty days of the receipt of said list of questions.

He shall have general supervision and control of the bureau of labor and industrial statistics and shall have authority to appoint such assistants as may be necessary to carry out the objects and pur-

poses of the bureau.

He shall secure the enforcement of all laws relating to the inspection of factories, mercantile establishments, mills, workshops, and commercial institutions in the State and to aid him in this work shall have power to appoint such factory inspectors and other assistants as may be necessary. The duties of such inspectors and other assistants shall be prescribed by the commissioner of labor.

The commissioner of labor, his assistants and factory inspectors shall visit and inspect at reasonable hours, as often as practicable, the factories, mercantile establishments, mills, workshops and commercial institutions in the State, where goods, wares, or merchandise are manufactured, purchased, or sold, at wholesale or retail. The commissioner of labor shall report in writing to the governor annually concerning the work of his department, with such other information and with such recommendations as he may deem proper.

It shall be the duty of the commissioner of labor to enforce the provisions of this chapter, and to prosecute all violations of law relating to the inspection of factories, mercantile establishments, mills, workshops and commercial institutions in this State before any jus-

tice of the peace or court of competent jurisdiction.

It shall be the duty of the Commonwealth's attorney of the proper county or city, upon the request of the commissioner of labor, or any of his assistants or deputies, to prosecute any violation of law, which

is made the duty of said commissioner of labor to enforce.

Section 1802. Fine for refusing to answer proper interrogatories. -If any person, who may be sworn to give testimony, shall wilfully fail or refuse to answer any legal and proper question propounded to him concerning the subject of such examination as indicated in section seventeen hundred and ninety-nine, or if any person, to whom a written or printed list of such interrogatories has been furnished by the commissioner of labor, shall neglect or refuse to fully answer and return the same under oath, or if any person in charge of any factory, mill, workshop, laundry, mercantile or manufacturing establishment shall refuse admission to, or obstruct in any manner the inspection of such establishment or the proper performance of the authorized duties of the commissioner of labor or any of his assistants or any factory inspector, or other duly authorized representative of the bureau of labor and industrial statistics, he shall be guilty of misdemeanor, and, upon conviction thereof, shall be fined not exceeding one hundred nor less than twenty-five dollars, or imprisoned in jail not exceeding ninety days, or both.

Nothing in this chapter shall be construed as permitting the commissioner or any employee of said bureau to make use of any information or statistics gathered from any person, company, or cor-

poration for any purposes other than those of this chapter.

Section 1807. Employers to provide seats for female employees; penalty for violation.—Chairs, stools, or other suitable seats shall be maintained in all factories, shops, mills, laundries, mercantile and manufacturing establishments, except fruit and vegetable canning factories, for the use of female employees therein to the number of at least one seat for every three females employed, and the use thereof by such employees shall be allowed at such times and to such extent as may be necessary for the preservation of their health. Such seats shall be placed where the work of such females is to be principally performed, whether in front of or behind a counter, table, desk, or other fixture. Any employer of female help in this State who shall neglect or refuse to provide seats as required in this section, or shall make any rules, orders, or regulations in his factory, shop, mill, laundry, store, or other place of business requiring females to remain standing when not necessarily employed in service or labor therein shall be deemed guilty of a misdemeanor, and upon a conviction thereof shall be fined not exceeding twenty-five dollars and costs, at the discretion of the court. In any manufacturing establishment where it is necessary on account of the nature of the work in such establishment for the female employees to stand while working, it shall be deemed a sufficient compliance with this section if suitable rest rooms are provided to which such employees may go at all reasonable times.

Section 1817. Protection of discharged employees and of employees voluntarily leaving service of employer.—No person or per-



sons, partnership, corporation or association doing business in this State, or any agent or attorney of such person or persons, partnership, corporation or association, after having discharged any employee from the service of such person or persons, partnership, corporation or association, or after any employee having voluntarily left the service of such person or persons, partnership, corporation or association, shall wilfully and maliciously prevent or attempt to prevent by word or writing, directly or indirectly, such discharged employee or such employee voluntarily leaving from obtaining employment with any other person or persons, partnership, corporation or association. For violation of this section the offender shall be guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than one hundred nor more than five hundred dollars. But this section shall not be construed as prohibiting any person or persons, partnership, corporation or association from giving on application for any other person or corporation, a truthful statement of the reason for such discharge, or a truthful statement concerning the character, industry, and ability of such person voluntarily leaving.

Section 1822. Factories, workshops, mercantile establishments, and offices to have certain sanitary arrangements.—Every factory in which five or more persons are employed, and every factory, workshop, mercantile or other establishment, or office, in which two or more children, under eighteen years of age, or women, are employed, shall be kept clean and free from effluvia arising from any drain, privy or nuisance, and shall be provided with a sufficient number of water closets, earth closets or privies, and reasonable access shall be afforded thereto; and whenever one or more males and one or more females are employed together, a sufficient number of separate water closets, earth closets or privies, with partitions between to extend from floor to ceiling, shall be provided for the use of each sex, and plainly designated; and all rooms in which toilets for males and females are installed after July first, nineteen hundred and twentytwo, shall have separate entrances for each sex; no person shall be allowed to use a closet or privy which is provided for persons of the other sex. In buildings used exclusively for offices the provisions of this section shall not apply, if separate toilets are within convenient

Section 1830. Safety appliances; powers of commissioner of labor.—The owner or person in charge of a factory, shop, manufacturing establishment, where machinery is used, shall provide, in the discretion of the commissioner of labor, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. All vats, elevators, saws, planers, cogs, gearing, belting, shafting, set screws, shapers, corner machines shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to machinery, vats, or elevators while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced. If a machine or any part thereof is in a dangerous con-

access in the buildings wherein the offices are located.

dition, or is not properly guarded, notice thereof shall be given to the manager or owner in charge of such operation, and unless such machinery is repaired or made safe within thirty days after such notice, the use thereof may be prohibited by the commissioner of labor and a notice to that effect shall be attached thereto. Such notice shall not be removed until the machine is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used. When in the opinion of the commissioner of labor it is necessary, the work rooms, halls and stairs leading to the work rooms shall be properly lighted; and in cities of the first class, if deemed necessary by the commissioner of labor, a proper light shall be kept burning by the owner or lessee in the public hallways, near the stairs upon the entrance floor and upon the other floors on every workday in the year, from the time when the building is opened for the use in the morning until the time it is closed in the evening, except at times when the influx of natural light shall make artificial light unnecessary. Such lights shall be independent of the motive power of such factory.

2. Section eighteen hundred and thirty-one of the Code of Vir-

ginia is hereby repealed.

CHAP. 374.—An ACT to amend and re-enact section 6063 of the Code of Virginia.

[H B 246]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section six thousand and sixty-three of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 6063. How process served on domestic corporation.—Process against, or notice to, a domestic corporation may, unless otherwise provided, be served as follows: If the case be against a city or town, on its mayor, recorded, or any alderman, councilman, or trustee of such city or town; if it be against any other corporation created by the laws of this State, on its president or other chief officer, or on its vice-president, cashier, treasurer, secretary, general superintendent, general manager, or any one of its directors, or any agent of such corporation, or any person declared by the laws of this State to be such agent, if any such officer or agent be found in the city or county in which the suit, action or proceeding is commenced, and whether so found or not, it may be sent to the county or city in which is located the principal office of such company and be there served on any officer or agent of such company found at such office. If, however, the case be against an insurance, guaranty, trust, indemnity, fidelity, or security company, created by the laws of this State, the process or notice shall be directed to the sheriff or sergeant of the county or city wherein the chief office of such company is located.

CHAP. 375.—An ACT to amend and re-enact sections 1 and 23 of an act entitled an act to amend and re-enact an act entitled an act to authorize the board of supervisors of the county of Carroll to let to contract the roads of said county and levy a tax to keep the same in proper repair, as amended by an act, approved February 29, 1892, and February 2, 1894, and acts amendatory thereto, respectively, January 22, 1898, March 7, 1900, as amended by an act approved March 14, 1906, and as amended by an act approved March 15, 1910, and to appoint a county road superintendent; his salary, duties, etc.; the purchase of road machinery, implements, tools, etc.; pay of supervisors, road superintendent, clerk and duties of each; prescribing penalties, etc., and to repeal all special acts in conflict herewith, approved March 24, 1920.

[H B 500]

### Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That sections one and twenty-three of an act entitled an act to amend and re-enact an act entitled an act to authorize the board of supervisors of the county of Carroll to let to contract the roads of said county and levy a tax to keep the same in proper repair, as amended by an act, approved February twenty-ninth, eighteen hundred and ninetytwo, and February second, eighteen hundred and ninety-four, and acts amendatory thereto, respectively, January twenty-second, eighteen hundred and ninety-eight, March seventh, nineteen hundred, as amended by an act approved March fourteenth, nineteen hundred and six, and as amended by an act approved March fifteenth, nineteen hundred and ten, and to appoint a county road superintendent; his salary, duties, etc.; the purchase of road machinery, implements, tools, et cetera; pay of supervisors, road superintendent, clerk and duties of each; prescribing penalties, et cetera, and to repeal all special acts in conflict herewith, approved March twenty-fourth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Section 1. The board of supervisors of Carroll county may, in its discretion, in the month of April, nineteen hundred and twenty, and in the month of January, nineteen hundred and twenty-two, and every two years thereafter, appoint a county road superintendent, who must be a civil engineer, or a man well versed in road building, and he shall possess the necessary general qualifications for the office. The county road superintendent first appointed under this act shall enter upon the discharge of his duties immediately after his appointment. and shall continue in office until February first, nineteen hundred and twenty-two. Thereafter, the term of office of the county road superintendent shall be for two years, beginning on February first of the year of his appointment. The county road superintendent shall qualify as other county officers are required to qualify, and shall execute a bond, with approved security, before the court, judge or clerk before whom he qualifies, in the penalty of not less than one thousand dollars nor more than twenty-five hundred dollars, payable to Carroll county, and conditioned for the faithful discharge of his duties, and the proper accounting for all funds that may come into his hands or under his control, and failure to qualify and give bond prior to the commencement of his term, shall vacate his office. A vacancy in



the office of county road superintendent shall be filled by the board

of supervisors for the unexpired term.

This act is subject to this exception, however, that the board of supervisors of Carroll county may at any time elect that the general laws of this State relating to roads shall be in full force and effect in said county, and from and after such action by the said board the term of office of the county road superintendent shall terminate, and the provisions of this act shall no longer be applicable in said county.

Section 23. The board of supervisors of Carroll county shall annually, when it makes its annual levy for other purposes, levy and appropriate for general road purposes under this act, a tax upon all property liable to county and district tax which shall be applied to the construction, working, keeping in order and repairing of the public roads and bridges and also for purchasing all necessary road machinery, implements, tools, et cetera, as provided in this act, including compensation and any other charge in connection and incident to the office of the county road superintendent; road foremen and all subordinates appointed or employed by the county road superintendent, or by the board of supervisors a tax, not less than twentyfive cents nor over sixty-five cents, upon every hundred dollars in value of all property liable to county and district road tax, and the same shall be collected by the treasurer of the county as other levies are collected, and be accounted for and applied as road funds under this act, as if it were county levy, except that the funds collected from each magisterial district shall be kept separate and apart by the county treasurer and the funds so collected in each magisterial district shall be applied to the construction, working and keeping in repair the roads and bridges in such districts, except as hereafter provided by section twenty-five of this act, and all of said funds shall be expended upon the order of the board of supervisors, and the said board of supervisors shall make monthly payments to all persons so employed and for all other costs, and moneys expended in connection with any and all work on roads, bridges, et cetera, of the county.

The said board of supervisors shall have the right to make the rate of tax on each one hundred dollars in value of said property different in each magisterial district in said county, and the said board is authorized to direct any balance that may remain at the end of any fiscal year of the county fund or levy to be expended and appropriated on the roads by the said county superintendent or board of supervisors, in addition to the funds arising and coming into the

treasury by this act.

CHAP. 376.—An ACT to create a commission of roads and bridges of the county of Princess Anne, Virginia, for Seaboard magisterial district, and to prescribe the powers and duties of such commission and to provide for controlling, constructing and keeping in repair the public roads and bridges within said magisterial district of said county and for acquiring, establishing, altering and vacating roads and bridges therein and for obtaining and applying necessary funds for said purpose, including the application of the proceeds of sale of any bonds issued by said county for said purpose and the payment of the interest and principal of said bonds and for obtaining and applying any and all State aid now and hereafter available for said purpose and for the levy and application of taxes for said purpose.

# Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia as follows: A permanent commission, to consist of three members, and to be known as the commission of roads and bridges of the county of Princess Anne, Virginia, for Seaboard magisterial district, is hereby created. Each of said members shall be a resident of the said magisterial district of the said county, who is qualified to vote at the time of his appointment. The commissioners shall be appointed by the judge of the circuit court of the said county and their regular term of office shall be three years, respectively, except those first appointed under this act, of whom one shall be appointed to hold office until the first day of July, nineteen hundred and twenty-three; one until the first day of July, nineteen hundred and twenty-four, and one until the first day of July, nineteen hundred and twenty-five.

The said judge shall forthwith appoint the members of said commission immediately after this act goes into effect. Whenever a vacancy in the commission shall occur the judge of said court shall forthwith appoint a qualified person to fill the same for the unexpired term, and any commissioner may be removed by the judge of said court at any time for neglect of duty or malfeasance in office. The commissioners so appointed shall, immediately upon their appointment, enter upon the duties of their office. The commission shall annually elect one of their members chairman, and another of their members secretary of the same, and shall have authority to require of the sheriff of the said county, or any of his deputies, such attendance and service as may be necessary to preserve order and to serve notices. All sessions of the commission shall be public, and a permanent record (to be prepared by the secretary) shall be kept of its orders, proceedings, receipts and expenditures, and of all reports made to or by it, which shall at all times, during normal business hours, be open to public inspection. Two of the commissioners shall constitute a quorum for the transaction of business, whether there be a vacancy in the commission or not, and a majority of the commissioners present may decide any question that may properly come before their meeting. The board of supervisors of said county shall. subject to the approval of the commission, provide suitable quarters and blank records for the commission, and on February first of each year the judge of the said court shall fix the salaries of the members of the commission for the ensuing year, but the salary of the members of said commission shall be not more than the sum of five hundred (\$500.00) dollars per annum each.

2. The said commission shall have the power, and be charged with the duty, of controlling, supervising, managing, building, improving, keeping in order and maintaining all the public roads and bridges within Seaboard magisterial district of said county (not included within the corporate limits of any incorporated town in said district which maintains its own streets), and shall make and prescribe such rules, regulations, specifications, and directions as it shall deem best for building, keeping in order, repairing and regulating traffic upon such roads and bridges. As used in this act the term "road" or "roads" shall be construed to include highways, streets, avenues and roads; and the term "bridge" or "bridges" shall be construed to include bridges, viaducts and couseways.

3. Each of said commissioners, as well as the road engineer hereinafter provided for, shall qualify as other county officers are required by law to qualify, and shall enter into and acknowledge, before the court, or judge before whom he qualifies, a bond payable to the county, with security to be approved by such court or judge, in the penalty of five thousand dollars, conditioned for the faithful

performance of the duties of his office.

4. The said commission may appoint a district road engineer (who shall be a competent civil engineer), and whose salary, to be fixed by it, shall be not more than twenty-four hundred dollars per annum; and it may appoint or employ, or authorize the appointment or employment of, such additional engineers, overseers, agents, servants, laborers, and other subordinates as may be necessary for the proper performance and execution of the duties imposed by this act. It shall also have authority to employ counsel, when the same is rendered necessary to protect the public interest incident to its work under this act, and to employ an expert accountant to assist in opening its initial records and in ascertaining the amounts of the several funds properly disbursable by it under this act. The terms, duties and compensation of its respective appointees and employees shall be as prescribed by it, their compensation shall be a reasonable one, and any and all of them shall be removable at its pleasure.

5. The said commission shall, on the fourth Monday in each month, hold a meeting at the court house of the county, for the discharge of its duties, and may appoint and hold such other regular or special meetings at such times and places as may be necessary for that purpose. Any commissioner shall have power to call a special meeting, upon giving the other commissioners three days' written

notice of the time and place thereof.

The chairman (or in case of his absence the commissioner who shall then be chosen as temporary chairman) shall preside at all meetings, and shall have power to administer an oath to any person concerning any matter submitted to the commission or connected with its duties.

6. It shall be the duty of the said commission, or a majority thereof, to go over the public roads and bridges of said district at least



once during each ninety days and to keep itself informed by means of personal investigation and otherwise, as to the condition of the public roads and bridges of said district, the manner in which they are constructed and maintained and whether or not its appointees and employees and their subordinates have performed their respective duties.

7. The commission shall have power to enter into any and all contracts necessary or desirable in the performance of its duties and to purchase such teams, trucks, tractors, equipment, machinery, supplies and materials, and to employ such superintendents, foremen and laborers as it deems advisable for said purposes, but in all cases of the construction, reconstruction or surfacing of any road or part thereof to involve the expenditure of as much as three hundred (\$300.00) dollars, in any calendar year, the commission shall cause to be prepared and placed on file in its office, open to convenient public inspection, plans and specifications for such work and shall advertise for bids thereon by posting such advertisement at the door of the court house of said county, at Lynnhaven post office in said district, at Virginia Beach post office in said district and by publication once a week for three successive weeks in a newspaper of general circulation published in the city of Norfolk, Virginia, said public notice and advertisement to be posted and first published at least thirty (30) days in advance of the opening of bids or such advertisement to be made in the manner prescribed by law in those cases in which State aid is applied for, and the commission shall award the contract for said work to the lowest bidder, subject, however, to its right to reject any or all bids.

The commission shall before entering into any contract for the maintenance of any road or roads during any definite period of time where such contract involves the expenditure of three hundred (\$300.00) dollars, or more, prepare plans and file plans and specifications, advertise and receive bids and let contract therefor in the same manner as hereinabove provided for the construction, recon-

struction or surfacing of such roads.

The commission shall require bonds from all contractors and material men for the faithful performance of their contracts or under-

takings.

All work of whatever nature shall be done by contract let as above provided to the lowest bidder, save and except in such cases as the commission may decide by resolution recorded in its minutes that the best interests of the district will be served by doing such work with its own equipment and in such cases it shall file all bids received on such work and shall keep an accurate record of its own costs of doing such work and incorporate in its annual report the economic or excess costs which finally accrue on such work, provided, however, that nothing herein contained shall prevent, and the commission shall have full power, to employ, equip and operate such reasonable forces of men and provide them with such reasonable supplies and material, as may be necessary in the continuous minor maintenance of the roads within said district.



8. The said commission shall have all the powers now or hereafter provided for county local road authorities in expending any and all funds referred to in this act; in obtaining State aid for the construction, improvement and maintenance of roads and bridges and in obtaining the refund of said expenditures in whole or in part by application of such expenditures in anticipation of State aid, and for such purposes the said commission shall have power to pursue any method now or hereafter prescribed by general law as a pre-

requisite to obtain such State aid.

The board of supervisors of Princess Anne county shall immediately after this act goes into effect, and shall thereafter annually, take any and all additional steps required by law to apply for and obtain any and all State aid, now and hereafter available for the construction, reconstruction and maintenance of roads in said county and so much of such funds, if, when and as obtained, as said Seaboard magisterial district may be equitably entitled to, shall be appropriated by said board of supervisors and expended by said commission only for the construction, reconstruction and maintenance of the roads hereinafter set forth, and such appropriation shall amount to at least one-third of all sums received from time to time from said source.

The board of supervisors of Princess Anne county shall annually levy and appropriate, for district road purposes under this act, a tax upon the property, real and tangible personal, assessed for taxation in the said Seaboard magisterial district (and not included within the corporate limits of any incorporated town in said magisterial district which maintains its own streets), which shall be applied to the working, keeping in order, repairing and maintaining the public roads and bridges in said district, including the compensation of officers and subordinates appointed or employed under this Such tax shall be in an amount sufficient for the reasonable and proper maintenance of said roads and bridges as may be determined by said commission, and the same shall be collected, accounted for, and applied as road funds under this act, as if it were a district levy, and the funds so collected shall be kept separate by the county treasurer. The said board of supervisors shall also annually appropriate for district road purposes under this act such proportion of all county road levies as may be collected from taxes assessed against the property, real and personal, assessed for taxation in said Seaboard magisterial district. The said board of supervisors shall also forthwith appropriate for district road purposes under this act all portions of previous appropriations for roads in said district unexpended at the date this act shall go into effect. The said board of supervisors shall forthwith make additional appropriations for district road purposes under this act of the current district levy, and so much of the current county road levy as may be collected from taxes assessed against the property, real and personal, assessed for taxation in said Seaboard magisterial district and not otherwise expended. The said several funds, so appropriated, shall be disbursable for the expenses (including cost of material, equipment and labor, and compensation of commissioners and its appointees and employees) necessary to ac-



complish the purpose of this act, by warrants upon the county treasurer, authorized by the said commission, signed by its chairman and countersigned by its secretary. The said several funds shall be applied by the said commission, first, to the cost and expense of working, keeping in order, repairing and maintaining the public roads and bridges, and, secondly, if any of said funds shall then remain, to the cost and expense of building, acquiring and permanently improving new or additional roads and bridges, and for this latter purpose the said commission shall have the sole right and authority to expend in the manner herein provided, the proceeds of all bonds hereafter authorized and issued for the purpose of acquiring or improving roads or bridges in said district; provided, however, that the first five hundred thousand (\$500,000) dollars available from the proceeds of said bonds to be issued shall be expended proportionately, if, when and as received upon the construction of the following roads of the following materials, the said roads, if not constructed as an entirety, to be constructed proportionately, as follows, and in the directions hereafter set forth, namely:

(a) Sixty per centum to be applied proportionately to the construction, reconstruction and surfacing of the following roads, lying south of State highway, number ten: (1) Commencing from Rosemont and running to Holland road, thence to Princess Anne court house and thence to Hickory bridge. (2) From Way's corner to Nimmo church; from Nimmo church to James corner and thence from James corner south to Pungo store and east towards Sigma, the funds to be used on the two branches from James corner, to be the amount which would under the apportionment herein provided for be alloted from James corner to said Sigma, such fund to be divided between the two branches from James corner, equally, to Sigma; (3) From Oceana crossing of said highway to Widgeon's corner, and (4) from London Bridge crossing of said highway southwardly through London Bridge station, a distance of two inites.

(a) Ten per centum to be applied to the construction, reconstruction and surfacing of a road to extend from a point on State highway, number ten, at the dividing line between the properties now owned by J. Old and Alonzo Gray and running thence northwardly along said dividing line and an approximate prolongation thereof to its intersection with the county road now known as "the Little Neck road" and running thence northwardly along said Little Neck road towards Lynnhaven bay. Provided, however, that in the discretion of the commission the said reconstruction and surfacing may begin at the intersection of said State highway with the present Little Neck road and extend along same to a point at or near Smith's corner and thence northwardly along said Little Neck road as above provided for.

(b) Fifteen per centum to be applied to the reconstruction and surfacing of the road known as the Great Neck road extending from London Bridge crossing of said highway northwardly towards Wolf's Snare and thence in the same direction towards its intersection with

Long creek.



- (c) Eight and one-third per centum to be applied to the reconstruction and surfacing of the road leading northwardly from Oceana crossing of said highway known as the Oceana road by Providence Methodist Episcopal church towards Mill Dam hill.
- (d) One per centum to be applied to the reconstruction and surfacing of the road known as Atlantic avenue, commencing at its intersection with the northern boundary of the town of Virginia Beach and extending towards the Virginia Beach casino.
- (e) Five and two-thirds per centum to be applied to the reconstruction and surfacing of the road extending from the northern boundary of Virginia Beach northwardly along a prolongation of Baltic avenue across an arm of Linkhorn bay and along the Holly road as shown on plat of Linkhorn park, to its intersection at a point near the Holly lake with a road leading westwardly along the boundary of said Linkhorn park shown on said plat, thence westwardly along said road, and thence running northwardly along the present road binding on the west the property formerly belonging to Gynn towards its intersection with the property belonging to Richardson. All of the roads referred to in the above paragraph lettered (a) to have a hard surface of such width and of such meterial as the said commission in its discretion may determine; the said roads enumerated in the said paragraphs (b), (c), and (d) to have a surface of concrete nine feet in width with shoulders of crushed stone three and one-half feet in width on each side; the said road enumerated in paragraph (d) to conform to the specifications upon which contract is let in the town of Virginia Beach for so much of Atlantic avenue as extends from Seventeenth street to the northern boundary of said town, and the said road enumerated in paragraph (e) to have a surface of concrete sixteen feet in width with two feet of dirt shoulders on each side until the same turns to the westward at or near the said Holly pond and thereafter to be constructed of crushed stone for a width of sixteen feet.
- Provided, however, that the said commission shall have power (1) to make such reasonable alterations in the right of way in any of said roads herein described as they may deem advisable; (2) to make such additional specifications as it may deem advisable; (3) to make such changes in the above specifications as it may deem advisable, provided a concrete or other hard surface of at least the width hereinabove provided for each of said roads for which concrete is prescribed is retained; and (4) to make any changes in said specifications that may be required in order to obtain State aid, immediately or by anticipation.
- 10. No commissioner or engineer or other person appointed or employed by virture of this act shall become pecuniarily interested, directly or indirectly, in any contract or work of whatever nature, or in the profits of any contract or work of whatever nature, made by or with any person, firm or corporation that may contract for or otherwise do work on, or the furnishing of material, equipment or supplies for raods or bridges; and if this provision is violated, the commissioner or engineer or other person so violating the same shall,



by means of an action or motion brought within one year thereafter in the circuit court of said county, be liable to the county for a sum of money equal to double the amount of his interest aforesaid.

11. The said commission shall have and may exercise the powers, authority and jurisdiction now or hereafter conferred upon boards of supervisors by general law (so far as not inconsistent with this act) in regard to establishing, altering and vacating roads and bridges in said district and in such cases the procedure, right of appeal, and other proceedings shall be the same, mutatis mutandis, as those provided by general law in the case of similar proceedings before boards of supervisors. The attorney for the Commonwealth of said county shall render such legal service to the said commission as may be proper under this act, without additional compensation to him.

12. After the issue of any bonds now or hereafter authorized for the improvement of roads or bridges in said Seaboard magisterial district of Princess Anne county, Virginia, the said board of supervisors are hereby authorized, empowered and directed to create a sinking fund to be applied to the redemption and payment of such bonds and shall annually, until such bonds are paid, pay over to such sinking fund a sum sufficient to pay off the principal and interest upon said bonds as the same become due and payable in accordance with the terms thereof. In order to provide for the payment of said interest and the creation of a sinking fund, the said board shall annually levy a tax, in addition to the regular county and district levies and the levies heretofore authorized in this act, on all property in said magisterial district of said county, liable to county and district tax, including the property, if any, located or the situs which for taxation is, within the limits of any incorporated town situated within said district, wherein real estate is subject to county and district road tax, for an amount sufficient to pay the interest on the said bonds issued and outstanding and to provide for a sinking fund for the payment of the principal of said bonds, and the amount levied for and set apart as a sinking fund, and the interest thereon, shall be used for the payment of the principal of said bonds, and for no other purpose.

13. The said board of supervisors is hereby authorized, directed and empowered to apply any part or all of said sinking fund to the payment or purchase of any of said bonds outstanding at any time and all bonds so paid off or purchased by said board of supervisors shall be immediately cancelled and shall not be reissued, and the board of supervisors is authorized and empowered to lend out upon real estate security (the loan not to exceed fifty per centum of the assessed value of such real estate), or to deposit in bank at interest, all accumulations of money to the credit of said sinking fund provided as aforesaid, and to collect and reinvest the same and the interest accruing thereon from time to time, so often as may be necessary or expedient; provided, that no money to the credit of said sinking fund shall be loaned out, or deposited or invested by the said board of supervisors, unless said loan, deposit or investment shall be first approved by the circuit court of said county, or the judge thereof

in vacation, and the form of the security be examined and approved by the Commonwealth's attorney for said county, which approval shall be entered of record in the order book of the said court.

14. All money received from the proceeds of the sale of any such bond issues shall be paid over to the treasurer of said county and by him forthwith deposited at the best practical rate of interest in one or more solvent banks that will give adequate security therefor, and (subject to the limitations set forth in this act) shall be expended and disbursed by the commission of roads and bridges of Princess Anne county for Seaboard magisterial district by warrants upon the county treasurer authorized by said commission, signed by its chairman, and countersigned by its secretary. The treasurer shall immediately notify the said commission of roads and bridges upon the depositing with him of the proceeds of the sale of said bonds, or any of them. The said treasurer of Princess Anne county and the surety on his official bond shall be liable for the amount received from the sale of said bonds as though it were a county levy.

15. In the event that any part or parts of this act shall be in conflict with the Constitution of Virginia, the residue thereof shall nevertheless be valid and such conflicting part or parts shall be super-

seded by the proper Constitution provision.

16. By reason of the condition of the roads in said Seaboard magisterial district and the necessity of opening said roads for the public mails and other purposes, an emergency is hereby declared to exist and this act shall be in force from its passage.

17. All acts and parts of acts in conflict herewith are hereby

repealed.

CHAP. 377.—An ACT to create the Hampton Roads port commission, define its duties and powers and to provide funds for carrying on its work.

[H B 174]

# Approved March 24, 1922.

Whereas, the general assembly of Virginia, by an act approved March sixteenth, nineteen hundred and twenty, authorized the appointment of a commission on the development of Hampton Roads; and

Whereas, the said commission has made its report to the general

assembly, which is printed as House document number five;

Now, therefore, in order to carry out the recommendations of the said commission, be it enacted by the general assembly of Virginia, That a permanent State port commission, to be known as the Hampton Roads port commission, be and the same is hereby authorized and created.

Sec. 1. The Hampton Roads port commission shall consist of the attorney general of Virginia, who shall be ipso facto a member of the commission and five additional members, appointed by the governor, with the advice and consent of the senate, one of whom may be a harbor development engineer; the executive secretary, to be appointed by the commission, whether or not a member thereof, shall have full authority to investigate all matters pertaining to the port; one of such members to be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years and thereafter for a term of four years respectively, vacancies occuring in the board to be filled by appointment of the governor; this commission to take up and work out the following necessary suggestions pertaining directly to the port development, in suitable co-operation at all times with the State and National governments.

(1) Keep in touch with and obtain the assistance at all times of trade associations in all cities and sections throughout the State, and to emphasize and make continuous the interest in the develop-

ment of Hampton roads port.

- (2) Keep thoroughly advised as to the need of the port, especially for appropriations from the Federal government, and to secure the earnest interest of the congressional delegations not only in Virginia, but of North Carolina, Tennessee, West Virginia and Ohio in these appropriations, and assist in having them approved by the rivers and harbors committee of both houses of Congress at such times as appropriations are sought. The port of Hampton Roads is not only the principal port of Virginia, but also of large sections of the above named States.
- (3) Follow up the question of a State highway system which will extend from the harbor cities to connect with other State roads already built, or under construction, in the various directions from which truck and other business can be brought to the port.
- (4) Have provided by the State and Federal authorities adequate immigration station facilities on Hampton Roads, and in connection therewith develop fully the quarantine facilities of the district. In this connection, close contact should be had with the several railroad connections diverging from the port.

(5) Give constant attention to having our representatives in Congress follow up the matter of suitable fortifications at Cape Henry and

Cape Charles, particularly Cape Henry at this time.

(6) Consider carefully and recommend to the general assembly a system of taxation which will not be injurious to the industrial

development of Hampton Roads.

- (7) Obtain suitable State legislation which will prevent the waters of Hampton Roads from being polluted by oil and other objectionable matter, which is now a menace to fish life and which establishes a fire risk to buildings, piers and warehouses bordering on the water.
- (8) Investigate all rates on export and import tonnage through the port of Hampton Roads and other competing ports, with a view to having all such rates so as not to be discriminatory to the port.
- (9) Obtain a permit from the Federal and State governments to construct a new modern hotel on the site of the Chamberlain hotel, Fortress Monroe, Virginia.

(10) Make a study of development of inland waterways, includ-

ing both rivers and canals, connected with Hampton Roads.

(11) Make a thorough study of the unification of the railroad and steamship terminals serving the Hampton Roads district with a view to giving more economical and efficient service.

(12) Take the necessary steps to have Hampton Roads made a

free port zone.

(13) Improve channels and bring about the re-establishment of port warden lines where required, this work to be done in conjunction

with the United States engineer.

Sec. 2. The sum of ten thousand dollars annually, or so much thereof as may be necessary, is hereby appropriated for the purpose of carrying into effect the provisions of this act, provided that the said executive secretary shall be paid a reasonable salary, to be fixed by the commission, and that the members of the commission shall receive no compensation, except the sum of ten dollars per diem for the time actually engaged in the performance of their duties, and their necessary traveling expenses. The said commission out of the money hereby appropriated shall provide an office and the necessary clerical help.

CHAP. 378.—An ACT to amend and re-enact section 4163 of the Code of Virginia. [H B 315]

### Approved March 24, 1922.

Be it enacted by the general assembly of Virginia, That secfour thousand one hundred and sixty-three of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 4163. Supervision by the State corporation commission; examination by the chief examiner of banks or his assistants; assessment of fees to cover cost of supervision; financial statements to be furnished the State corporation commission; publication of financial statements when required.—(a) The State corporation commission shall have supervision over all building and loan associations doing any business in this State, whether incorporated under the laws of this State or not. The chief examiner of banks shall, not less than twice in each and every year, and at such other times as in his discretion he may deem necessary, examine or cause to be examined each and every building and loan association doing business in this State, whether incorporated under the laws of this State or not. For the purpose of defraying expenses of such supervision and examination the State corporation commission shall on the first day of July of each and every year assess every duilding and loan association doing business in this State, whether incorporated under the laws of this State or not, fees not in excess of the fees now assessed against incorporated State banks under the provisions of section forty-one hundred and twenty-two of the Code of Virginia, as amended. provisions of section forty-one hundred and twenty-two of the Code of Virginia, as amended, are hereby made applicable in all respects

to all building and loan associations doing business in this State, whether incorporated loan associations doing business in this State, whether incorporated under the laws of this State or not, shall furnish the State corporation commission at such times as it shall require statements of their financial condition on forms supplied by the chief examiner of banks, and whenever required so to do by the chief examiner of banks such statements shall be published in the same manner that financial statements of incorporated State banks are now published under the provisions of section forty-one hundred and twenty of the Code of Virginia, as amended.

(b) In making such examinations as are required under the provisions of this section, the officers, directors and employees of such building and loan association shall, upon the demand of the person or officer designated to make such examination, give to the examiner full access to all money, books, papers, notes, bills and other evidences of debt to said association and shall also disclose fully and truly all indebtedness and liability thereof, and shall furnish said examiner with all information which he may deem necessary to a full investigation into the affairs of such association; and the said examiner shall have the right to examine under oath any and all of the directors, officers, clerks and employees of such association touching any matter or thing connected with the operation of such association, and for that purpose shall have authority to administer oaths to the persons examined, and shall in addition have the right to require the building and loan association to furnish to him a mathematical calculation or chart showing in detail the plan of the operation or investment carried on, for the purpose of determining whether the same is financially and mathematically sound, and the contracts or obligations issued or assumed possible of fulfillment.

(c) If upon the examination of any such building and loan association the State corporation commission shall ascertain that the laws of this State are not being fully observed, or that any irregularities are being practiced, or that the capital stock of such association has been or is in danger of being impaired, or that the business in the hands of dishonest or unreliable persons, or that the interests of the public are not being properly protected, the State corporation commission may close the doors of such building and loan association and apply to the proper court for the appointment of a receiver to

wind up the affairs of such association.

For the purposes of this act, corporations or persons, whether or not acting under a declaration of trust or other agreement, or whether styling themselves as "home companies" or by other title, who shall directly or indirectly receive single payments, installment payments, or contributions, to be held or used in any plan of accumulation or investment, or of issuing, negotiating, offering for sale, or selling any contract, on the partial payment or installment plan, or single payment plan, under which all or a part of the total amount received is to be repaid as a loan or otherwise, are to be deemed to be building and loan associations and subject to all of the provisions hereof. And any foreign corporation or non-resident person, whether or not acting under a declaration of trust or other agreement, who by themselves or their agents, shall do within this State any of the acts set forth in this paragraph shall, when the State corporation commission deems it proper, defray the costs of an examination of the affairs and assets of such corporation or person, to be made at the chief or other office thereof; in the event of a failure on the part of such corporation or person to comply with the laws of this State or that such examination shall disclose any of the irregularities set forth in paragraph (c) of this section, then in addition to the application for a receiver an order shall be entered by the State corporation commission barring such corporation or person from doing business, or attempting, by agents or otherwise, to do business in this State, but making proper provision for safeguarding the rights of all persons in interest; any person or agent doing or attempting to do business in violation of such order shall be guilty of a misdemeanor; from such order any party in interest may have an appeal as provided by law for appeals from the decisions of the State corporation commission.

This act shall not apply to any bank, trust company, insurance company, or to any building and loan company which has no-mutual features and does not receive deposits, but merely lends its own capital to persons who are not members of the association or stockholders thereof.

This act shall not apply to any building and loan company that does not receive deposits subject to check and that annually within sixty (60) days after the expiration of its fiscal year furnishes to the State corporation commission, on such form as it may prescribe, a statement and report satisfactory to the commission of its condition, duly certified by a certified public accountant.

CHAP. 379.—An ACT to prevent the sale of inferior and worthless vegetable seed in the State of Virginia. [H B 62]

# Approved March 24, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the commissioner of agriculture and immigration is hereby authorized to determine, so far as it is practicable, the purity, viability and trueness to variety of vegetable seed sold, offered or exposed for sale or distribution within this State, by the examination, analysis or test of samples of such seed secured in the open market; and when such seeds are found to be adulterated, misbranded or of poor quality, according to standards to be established by the said commissioner, the results of such examination, analysis or test shall be published, together with the names of persons by whom the seeds were put up or packeted and the names of the persons by whom offered for sale, along with such other information as may be of interest to the purchasers, or to the vendors of such vegetable seeds.
- 2. This act shall be effective on and after the first day of January, nineteen hundred and twenty-three.

CHAP. 380.—An ACT to amend and re-enact sections 3780, as heretofore amended, 3781, 3786, 3788, 3810, as heretofore amended, 3820, 3822, 3851, 3854, 3872 and 3876, as heretofore amended, of the Code of Virginia.

[H B 3821]

# Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That sections thirty-seven hundred and eighty as amended, thirty-seven hundred and eighty-one, thirty seven hundred and eighty-six, thirty-seven hundred and eighty-eight, and thirty-eight hundred and ten as heretofore amended, thirty-eight hundred and twenty, thirty-eight hundred and twenty-two, thirty-eight hundred and fifty-one, thirty-eight hundred and fifty-four, thirty-eight hundred and seventy-two, and thirty-eight hundred and seventy-six as heretofore amended, of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 3780. Amendment of charter after organization.—At any time after organization any corporation organized under the laws of this State may make any amendment (1) increasing or decreasing its authorized capital stock, (2) creating shares of stock of one or more classes with or without par value and providing for the issuance of such shares either alone or with shares of other classes of stock with or without par value in exchange for the then outstanding shares of stock of any class or classes on the terms and conditions to be stated in such amendment; provided, however, that nothing herein contained shall be construed to require the exchange of stock of a class having certain preferenses, for stock of another class or classes, without substantially the same preferences, except upon the consent of each of such preferred stockholders, or (3) make any other alteration or extension of its charter that it may desire in manner following: The board of directors shall pass a resolution declaring that such amendment, alteration or extension is advisable, and calling a meeting of the stockholders to take action thereon. Such meeting shall be held upon notice by publication at least six times a week for two successive weeks prior to such meeting in some newspaper published in the place where its principal office is located, or having a general circulation therein, or after notice in writing shall have been given to each of the stockholders of record, by serving the same on them personally or by mailing it to their last known post-office address as furnished by them to the officers of the corporation, at least ten days prior to such meeting, and in such notice shall be stated the time and place of the meeting and its object. If two-thirds in interest of each class of the stockholders having voting powers shall be present or represented at such meeting, and shall vote in favor of such amendment, alteration or extension, a certificate thereof shall be made by the president or by one of the vice-presidents, under the seal of the corporation, attested by its secretary, and acknowledged by them before an officer authorized by the laws of this State to take acknowledgments of deeds. Such certificate shall show that the requirements of this section have been complied with and shall further show the total number of shares of each class of stock issued and

outstanding having voting power, the number of such shares present and the number of such shares voting in favor of the proposed amendment, and such certificate, together with the receipt for the payment of any fee to the State that may be imposed thereon by law, shall be presented to the State corporation commission, which shall ascertain and declare whether the applicants, by complying with the requirements of the law, have entitled themselves to the amendment, alteration or extension applied for, and shall issue or refuse the same accordingly.

If the same be issued, the certificate, with the order thereon of the commission, shall be forthwith certified to the secretary of the Commonwealth for recordation in like manner as a certificate for an original charter, and if the amendment be to the charter of a corporation required by law to be recorded by the clerk of any court, then such certificate of amendment shall be likewise certified to the clerk of the court in which the original charter was recorded, to be by him recorded and returned to the clerk of the commission. If the amendment be to a charter not required by law to be recorded in the office of the clerk of any court, it shall be returned to the commission. Such certificates of amendment shall be lodged and preserved in the office of the clerk of the commission, as original certificates and articles of association.

As soon as the said certificate is lodged with the secretary of the Commonwealth the original certificate or articles of association shall be deemed to be amended accordingly, but such certificates of amendment, alteration or extension shall contain only such provisions as would be allowable or proper to be contained in the original certificate or articles of association if made at the time of making such amendment, alteration or extension. If by such amendment the corporate name is changed, the par value of the stock is changed, or an exchange of shares is provided for, certificates for the new shares shall be issued in exchange therfor, and no stockholder, the par value of whose shares of stock is changed, or whose shares of stock are required to be exchanged for shares of stock of the same or another class or classes, whether with or without par value, shall, after such time as may be prescribed by the stockholders at the meeting authorizing the amendment to the charter, possess or exercise any rights in respect to such shares of stock the par value of which is changed, or which are required to be exchanged as aforesaid, until surrender shall have been made of the old stock and certificates for new stock shall have been issued therefor. No amendment, change or addition substantially changing the object for which said corporation was chartered, or extending the duration of its corporate existence, shall be made except by unanimous consent of all the stockholders of said corporation.

Sec. 3781. Decrease of actually issued and outstanding stock.— Whenever the actually issued and outstanding stock of any corporation heretofore or hereafter organized under the laws of this Commonwealth shall be found to be more than sufficient for its purposes,

it may, with the concurrence of two-thirds in amount of all of its stockholders given as hereinafter provided, decrease its actually issued and outstanding stock from time to time to any amount not less than the minimum fixed in its charter or an amendment thereof in the manner following, that is to say: By retiring or reducing any class of stock, or by the surrender by every stockholder of his shares and by issuing to him, in lieu thereof, a decreased number of shares, or by the purchase, at the fair market value, not exceeding par, of certain shares for retirement, or by retiring shares owned by the corporation, or by reducing the par value of shares when authorized by an amendment. Such decrease must first be sanctioned by a vote in person or by proxy by stockholders holding at least two-thirds in amount of the issued and outstanding stock of the corporation entitled to vote at a meeting of such stockholders called by the board of directors for the purpose. Notice of such meeting shall be given by publication at least six times a week for two successive weeks prior to such meeting in some newspaper published in the place where its principal office is located, or having a general circulation therein, or notice in writing shall be given to each of the stockholders of record by serving the same on them personally or by mailing it to their last known postoffice address as furnished by them to the officers of the corporation at least ten days prior to such meeting, and in such notice shall be stated the time and place of the meeting and its object. If at such meeting, stockholders representing at least two-thirds in amount of the entire issued and outstanding stock having voting power shall vote in favor of decreasing the actually issued and outstanding stock to an amount not less than the minimum capital authorized by the charter of the corporation or an amendment thereof, a certificate stating that the statutory requirements herein presented, have been fully complied with and setting forth the plan to be followed in accomplishing the proposed reduction of issued and. outstanding stock shall be made by the president, or one of the vicepresidents, under the seal of the corporation, attested by its secretary, and acknowledged by them before an officer authorized by the laws of this State to take acknowledgments of deeds, and when so acknowledged it may be presented to the State corporation commission, which shall ascertain whether the applicants have, by complying with the requirements of the law, entitled themselves to make such decrease of the actually issued and outstanding stock, and shall issue or refuse to issue a certificate permitting the same accordingly. Any certificate so issued by the commission shall be certified to the secretary of the Commonwealth, to be recorded by him as provided with reference to original certificates of incorporation, and shall be certified by him to the clerk of the circuit court of the county, or circuit, corporation or chancery court of the city in which the original certificate of incorporation is recorded, and the clerk of such court shall thereupon record the same in his office in a book provided and kept for the recordation of charters, and shall endorse the fact of such recordation upon the said certificate and return the same to

the State corporation commission, to be lodged and preserved in the office of its clerk. A statement in writing, setting forth the plan of such reduction of the actually issued and outstanding stock, shall be published over the signature of the president, or one of its vice-presidents, and the secretary of the corporation, at least once a week for three successive weeks, in a pewspaper published in the county or city in which the principal office of the corporation is located, or having general circulation therein, the first publication to be made within thirty days after the filing of such certificate in the office of the secretary of the Commonwealth; and after such publication has been completed the corporation may proceed to make such decrease; provided, however, that no such decrease shall affect the rights of any creditor of any such corporation existing at the time of such decrease.

Sec. 3786. Meetings of the stockholders; how called; what action may be taken; notice.—Except in case where it is otherwise provided by law, all meetings of the stockholders of every corporation of this State shall be held at such place in this State as may from time to time be fixed by the board of directors on such day as may be prescribed in the charter, certificate of incorporation, or in the articles of association, or in some amendment thereof, or by the bylaws; or if none be so prescribed, on such days as, from time to time, may be appointed by the stockholders in meeting, or if they shall not have appointed, then by the board of directors. A meeting other than the annual meeting may be held at any time upon the call of the board of directors, or of stockholders together at least one-tenth of the capital stock.

At any annual or other meeting of stockholders action may be taken upon any subject which is not by law required to be stated in the notice of meeting, and, in addition thereto, upon any special subject which might be acted upon at a special meeting called for the purpose, when, in the last mentioned case, in the notice of such annual or other meeting, the purpose to consider and act upon such special

subject is stated.

In all cases, unless other notice be provided in the charter, certificate of incorporation, articles of association, or in some amendment, or by the stockholders in meeting, or by some provision of law, not less than ten days' notice in writing of the time and place of such meeting, whether annual or not, shall be given to each stockholder in person, or notice by publication at least six times a week for two successive weeks, or once a week for four successive weeks; where no daily newspaper is published in the county, city or town, in a newspaper published or having a general circulation in the place where the last annual meeting was held. And in case where notice is required before a meeting of the stockholders or of subscribers to the capital stock can be held for the purpose of organization, or for any other purpose, such notice and the publication or other service thereof may be waived in writing, or by the attendance in person or by proxy, of all the stockholders or subscribers.

Sec. 3788. How subscriptions to capital stock may be paid; liability of subscriber; financial organization and disposition of stock; statement to be filled with the commission; penalty.—Subscriptions to the capital stock of any corporation may be paid in money, land, or other property, real or personal, leases, options, mines, minerals, mineral rights, patent rights, rights of way, or other rights or easements, contracts, labor, or services; and there shall be no individual or personal liability on any subscriber beyond the obligation to comply with such terms as he may have agreed to in his contract of subscription; and any corporation may adopt such plan of financial organization and may dispose of its stock or bonds for the purposes of its incorporation at such prices, for such consideration, and on such terms and conditions as it sees fit; but, before making any issue of its stock or bonds it shall file with the State corporation commission a statement (verified by oath of the president or secretary of the corporation, and in such form as may be prescribed or permitted by the commission), setting forth fully and accurately the basis or financial plan upon which such stock and bonds are to be issued; and where such basis or plan includes services or property (other than money) received or to be received by the corporation, such statement shall accurately specify and describe in the manner prescribed or permitted by the commission the services and property, together with the valuation at which the same are received, or to be received, and the judgment of the directors as to the value of such land or other property, real or personal, leases, options, mines, mineral rights, patent rights, rights of way, or other rights or easements, contracts, labor, or services in the absence of fraud, participated in by both parties to the transaction shall be conclusive.

For any violation of this section the offending corporation shall be liable to a fine of not less than ten nor more than one thousand dollars, to be imposed and judgment entered therefor by the State corporation commission, and shall be enforced by its process.

Sec. 3810. How corporation dissolved; continuation for the purpose of winding up affairs.—Whenever in the judgment of the board of directors it shall be deemed advisable and for the benefit of any corporation organized under the existing laws of this State, or under any charter heretofore granted by any court, or by the general assembly, that it shall be dissolved, a resolution to that effect shall be adopted by a majority of the whole board at a meeting called for that purpose. Notice of such meeting of the board shall be given in person or shall be mailed to every director at least ten days prior to such meeting. The directors shall cause notice of the adoption of such resolution to be mailed to each stockholder of record. They shall also within ten days after the adoption of such resolution cause a notice of the meeting of the stockholders to be held at the principal office of the corporation to take action upon the resolution so adopted by the board of directors, to be published in a newspaper in the county or city wherein the corporation shall have its principal office, or if there be no such newspaper published in said county or

city, then in a newspaper having a general circulation therein. On the day fixed for such meeting a majority in interest of the stockholders present may adjourn to another day or time; and if at any such meeting or adjourned meeting, two-thirds in interest of the stockholders shall consent that a dissolution shall take place, and signify their consent in writing, given either in person or by proxy, such consent, together with a list of the names and residences of the directors and officers, certified by the president, secretary and treasurer, shall be filed in the office of the clerk of the State corporation commission, and the commission, upon being satisfied by due proof that the requirements of law have been complied with, shall issue a certificate that such consent has been filed, and thereupon the said corporation shall stand dissolved, and the board shall pro-

ceed to settle up and adjust its business and affairs.

Whenever all the stockholders shall consent in writing to the dissolution no meeting or notice thereof shall be necessary, but on filing the said consent in the office of the State corporation commission, the said commission shall issue a certificate of dissolution, and the said corporation shall thereupon stand dissolved and the said board shall proceed to settle up and adjust the business and affairs of the said corporation; but no such dissolution shall affect the rights of any creditor of the said corporation existing at the time of such dissolution. Whenever a certificate of dissolution has been made by the commission, it shall certify that fact to the secretary of the Commonwealth and to the clerk of the court in whose office the charter is recorded, who shall note the fact on the charter records of his office immediately after the record of such charter. No public service corporation, however, which is at the time actually performing any public service, shall, upon the mere filing of such consent, stand dissolved under this section; in addition to filing such consent such public service corporation shall publish notice in some newspaper in or near the place where its principal office is located at least once a week for four successive weeks prior thereto, of the date on which it proposes to file such consent to such dissolution, and shall at the time file a petition, verified by the affidavit of its president or one of its vice-presidents, alleging its reasons for desiring to dissolve. Thereupon the commission shall take and preserve evidence and therefrom ascertain and determine whether or not such corporation shall be dissolved, and may issue or refuse to issue a certificate of dissolution accordingly, and from such decision and action of the commission, either the corporation, the Commonwealth, or any person who has intervened and has been made a party to the proceeding, may appeal to the supreme court of appeals pursuant to the general law governing appeals from the commission.

In the case of a corporation having no capital stock, the directors. managers, trustees or other governing board, shall take the action hereinbefore required of the board of directors, and the members of the corporation such action as is hereinbefore required of the stock-

holders.



All corporations, whether they expire by their own limitations or are otherwise dissolved, shall, nevertheless, be continued for such length of time, not exceeding three years, from such dissolution or expiration, as may be necessary for the purpose of prosecuting and defending suits by or against them, and enabling them gradually to settle and close their business, to dispose of and convey their property, and to divide their capital, but not for the purpose of continuing the business for which said corporation shall have been established. If the affairs of any such corporation shall not be wound up by its directors within three years from such dissolution or expiration, they shall be wound up in the manner provided by section thirtyeight hundred and thirteen.

Whenever the principal purpose for which such corporation was formed has failed, or the management of the corporation has been abandoned by its officers and directors, or when operations under the charter have been suspended or abandoned for a period of three years, or the corporation has become insolvent, it shall be lawful for the circuit court of the county, or the circuit court of the city, or other court having chancery jurisdiction in the city, wherein the principal office of such corporation is located, sitting in chancery to wind up and dissolve such corporation, and after requiring payment of all taxes, fees and penalties due by it, make such disposition of its assets as may be just and equitable, in a suit brought by a stockholder or stockholders holding at least one-fourth of the capital stock of the corporation. Within thirty days from such dissolution, the clerk of the court entering such decree of dissolution shall certify that fact, together with the style of the case and the date of the decree to the State corporation commission. Any failure of such clerk so to do shall subject him to a fine of not less than ten dollars nor more than one hundred dollars to be imposed by the State corporation commission.

Sec. 3820. Organization and annual report to the commission; penalty.—Every domestic corporation, upon organization, and every foreign corporation, upon domestication in this State, shall file in the office of the State corporation commission a report authenticated by the signature of the president or one of the vice-presidents or the secretary of the corporation, stating:

The name of the corporation.

(b) The location (county or city, street and number, if any there be) of its principal office in the State, and the name of the agent upon whom process against the corporation may be served.

(c) The character of its business.(d) The amount of its authorized capital stock, if any, and the amount actually issued and outstanding, showing classes separately. if more than one class.

(e) The names and addresses of the officers and directors of the corporation, and when their respective terms of office expire. For the purpose of any action, suit or other proceeding against the corporation, the officers and directors of the corporation, shown upon



such report, shall be deemed to continue and remain the same until a subsequent report be filed showing the contrary.

(f) The date, if any, appointed for the next annual meeting of

the stockholders.

Each such corporation shall file in the office of the State corporation commission annually thereafter, within thirty days after the time appointed for holding the annual meeting of the stockholders, a report setting out the above required information on forms to be secured from the State corporation commission.

If such report is not made and so filed, the corporation shall be subject to a fine of not less than twenty-five dollars, nor more than one hundred dollars, to be imposed and judgment entered therefor by the State corporation commission and enforced by its process.

Sec. 3822. Manner of consolidation or merger; recordation; when effective; issue of stock and bonds; remedy of dissatisfied stock-holders; when merger complete.—Such consolidation or merger shall be made in the following manner and under the conditions, provisions,

restrictions, and with the powers following, that is to say:

- (a) The board of directors of the several corporations proposing to merge or consolidate may enter into a joint agreement under the corporate seals of their respective corporations for the merger or consolidation of such corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation (if it be proposed to form a new one), or of the merged or consolidated corporation, as the case may be; the number, names, and places of residence of the directors, and principal officers of such new or consolidated corporation (who shall hold their offices until their successors be chosen or appointed, either according to law or according to the by-laws of the said corporation); the aggregate principal amount and the rate of interest of the bonds, if any, and the number of shares of the capital stock, with the par value of each share proposed to be issued in connection with such merger or consolidation by such new or consolidated corporation, and if the capital stock is to be divided into classes, the classes thereof, with the terms on which issued; the manner of converting the capital stock of each of said merging or consolidating corporations into the stock or obligations of such new or consolidated corporation, and, in case of the creation of a new corporation, how and when the directors and principal officers to succeed those named in the agreement shall be chosen or appointed; together with all such other provisions and details as to the board of directors entering into said agreement shall seem necessary or convenient to perfect the merger or consolidation of said corporations.
- (b) The agreement shall be submitted to the stockholders of each of said merging or consolidating corporations separately, at a meeting thereof to be called for the purpose of taking the same into consideration; of the time, place, and general object, of which meeting due notice shall be given by publication at least six times a week, for two successive weeks, in a newspaper published in the



place where the principal office in this State of the corporation is located or having a general circulation therein, and by mailing a copy of such notice at least ten days prior to such meeting to the last known postoffice address of each of the stockholders of record; and at said meeting the said agreement shall be considered, and a vote by ballot, in person or by proxy, shall be taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and if a majority of all the votes cast at each of such meetings shall be in favor of said agreement, consolidation, and merger then that fact shall be certified by the president, or one of the vicepresidents of the corporation, under the corporate seal, attested by the secretary, and said certificates, duly acknowledged by the president or vice-president signing the same and by the secretary of the several corporations, before an officer authorized by the laws of this State to take acknowledgments of deeds, together with a copy of the agreement, shall be presented to the State corporation commission, which shall ascertain and declare whether the applicants have, by complying with the requirements of the law, entitled themselves to the merger or consolidation applied for, and shall issue or refuse a certificate thereof accordingly.

If it be issued, the said agreement and certificate, with the order thereon of the commission, shall be certified by the commission to the secretary of the Commonwealth, and shall be recorded and lodged in the manner provided as to the recordation and lodging of the original certificate of incorporation or articles of association, of the corporations so consolidating, and when such certificate shall be filed for recordation in the office required as to original certificates of incorporation, or articles of association, as the case may be, the said merger or consolidation shall be complete and the merged or consolidated corporation may proceed to carry out the details of said merger and consolidation according to the terms of the agreement and to transact and carry on the business for which it was formed; but no stock or bonds shall be isued by such merged or consolidated corporation until the provisions of section one hundred and sixty-seven of the Constitution, so far as applicable thereto, shall have been complied with.

If any stockholder of either of the corporations so consolidated or merged, who shall not have given assent thereto, and who shall be dissatisfied therewith, shall signify such dissent by notice in writing served on the president, secretary or treasurer, either within or without this State, of the consolidated or merged corporation, or on the statutory agent of such consolidated or merged corporation, if such agent has been appointed, at any time within three months after the date of said meeting of his corporation to act on the consolidation or merger agreement, he shall be entitled to receive from such consolidated or merged corporation the fair cash value of his stock as of the day before the vote for the agreement of consolidation or merger of his corporation was so cast as aforesaid, which fair cash value, if not agreed on between such dissenting stockholder and the

consolidated or merged corporation, shall be determined in the manner hereinafter provided; and if any stockholder who shall not have given assent thereto shall fail to signify his dissent by notice in writing served upon the consolidated or merged corporation in the manner hereinafter directed within three months after the date of said meeting of his corporation, he shall be forever precluded from objecting to the consolidation or merger and shall be deemed to have elected thereby to participate in the agreement or plan of consolidation or merger on the basis therein provided for stockholders of his class, and such stockholder shall not thereafter be entitled to demand or receive the fair cash value of his stock in his corporation, but the rights of such stockholder shall thereafter be confined to participation in the agreement or plan of consolidation or merger, and to the stock of the consolidated or merged corporation to which he may be entitled, and all rights of such stockholder under the stock of the consolidating or merging corporation shall thereupon cease and determine. If such dissenting stockholder and the merged or consolidated corporation do not, within one month from the date of the service of said notice by such dissenting stockholder upon the merged or consolidated corporation, agree upon the fair cash value of the stock of such dissenting stockholder as of the day before the vote for the agreement of consolidation or merger was cast, the dissenting stockholder may, upon reasonable notice to the consolidated or merged corporation, given in the manner in which the notice of his dissent is hereinbefore directed to be given, apply to the circuit court of the county or the circuit or corporation court of the city wherein the principal office of the corporation of such dissenting stockholder is located, or to the judge of said courts in vacation, or to the chancery court of the city of Richmond, or to the judge thereof in vacation, in the event the principal office of the corporation of such dissenting stockholder is located in the city of Richmond, to have the fair cash value of his stock, as of the date aforesaid, appraised by three disinterested persons, residents of this State, appointed by the court; or the consolidated or merged corporation may likewise, upon reasonable notice to such dissenting stockholder, either served upon him personally or sent to him by registered mail at his last known postoffice address, as the same appears on the books of the corporation, apply to said court, or the judge thereof in vacation, to have the fair cash value of the stock of such dissenting stockholder as of the date aforesaid, appraised by three disinterested persons, residents of this State, appointed by such court; and it shall be the duty of the said court to which application is made, or the judge thereof in vacation, to appoint the appraisers on reasonable notice, on the application of either party; provided, however, that if notice of the consolidated or merged corporation to apply to said court for the appointment of appraisers is not served upon such stockholder within this State, and, if such stockholder does not appear before said court on the day fixed in the notice, the petition or application of the consolidated or merged corporation for the appointment

of appraisers to appraise and determine the fair cash value of the stock of such stockholder shall be continued to such time as the court may designate, and an order of publication shall be entered against such stockholder, requiring him to appear before such court, or the judge thereof in vacation, at such time and place as may be designated in the order, which order shall be published once a week for two successive weeks in a newspaper published or having a general circulation in the county or city in which the proceeding is pending; and upon the day fixed in such order, or at any subsequent time to which the matter may be continued, whether such stockholder shall have appeared or not, the court shall appoint three disinterested persons, residents of this State, to appear and determine the fair cash value of the stock of such stockholder.

It shall be the duty of the appraisers so appointed to investigate the condition of the corporation of such dissenting stockholder, and to report to the court, or to the judge threof in vacation, as promptly as possible, the fair cash value of the stock of such dissenting stockholder as of the day before the vote for the agreement of consolidation or merger of his corporation was so cast as aforesaid, and such appraisers shall have the right to administer oaths and to take such evidence as may be necessary in determining the value of said stock, and may conduct their proceedings either within or without the State of Virginia; provided, however, that the appraisers shall give notice of the time and place of their first meeting to such dissenting stockholder and to the consolidated or merged corporation by mailing the same to their last known postoffice address by registered mail at least ten days before the date of the meeting, and thereafter no notice of adjourment, if any, of said meeting, either from time to time, or from place to place, to either party, shall be necessary. And the court in which such proceedings are pending, or the judge thereof in vacation, may order production before the appraisers at such time and place as it shall specify, of all such books and accounts and other records of the corporation of the dissatisfied stockholder, or of the consolidated or merged corporation, as may be necessary or desirable in determining said value. The finding of a majority of the appraisers shall stand as the action of the appraisers. The appraisers shall make their report to the court, or to the judge thereof in vacation, in writing, and shall return with their report such evidence as they have taken during their investigation. If such stockholder, or the consolidated or merged corporation, be dissatisfied with the fair cash value as determined by the appraisers, he or it, as the case may be, may within thirty days from the date the report of the appraisers is filed in court, or with the judge thereof in vacation, and upon reasonable notice to the other party given in the manner hereinbefore provided (except that no further order of publication shall be necessary as to such dissenting stockholder) apply to the said court. or the judge thereof in vacation, to set aside the finding of the appraisers; and the court, or the judge thereof in vacation, if of the opinion that the valuation is just, shall deny the application and,

after thirty days from the date the report of the appraisers was filed, shall confirm the same and the amount thereof, but if the court, or the judge thereof in vacation, be of opinion that the valuation is not just, the said report and the amount thereof shall be set aside, and, when set aside, the court, or the judge thereof in vacation, shall proceed to ascertain the fair cash value of the stock of such stockholder, as of the day aforesaid, and shall enter judgment against the consolidated or merged corporation accordingly, which judgment may be collected as other judgments of a court of competent jurisdiction are collectible, and its finding judgment shall be final and conclusive upon all parties to the proceedings; and if no such application is made within thirty days after the said report is filed, the court, or the judge thereof in vacation, shall immediately confirm the report, and the amount thereof shall be final and conclusive upon all parties to the proceeding. And in any case in which the report of the appraisers is confirmed as hereinbefore directed, the amount thereof shall immediately become and be a final judgment of the court against the consolidated or merged corporation and may be collected as other judgments of a court of competent jurisdiction are by law collectible.

Upon payment or tender of payment by the consolidated or merged corporation of the value of such stock, so ascertained, such dissenting stockholder shall deliver up his certificate of stock to the consolidated or merged corporation, if any has been issued, and, if none has been issued, shall make a due assignment to the consolidated or merged corporation of all his rights in respect thereto, and shall mark the said judgment satisfied, and the consolidated or merged corporation may thereafter issue and dispose of the stock to which such dissenting stockholder would have been entitled under the agreement of consolidation or merger had he not dissented therefrom; and if such dissenting stockholder shall refuse to receive the value so ascertained when payment is tendered to him, or shall refuse or fail to surrender and deliver up his certificate of stock upon such tender of payment, or shall refuse or fail to mark said judgment satisfied, the consolidated or merged corporation shall have the right to deposit to the credit of the court in which such proceeding is pending the value of the stock of such stockholder, so ascertained and determined. and the court, or the judge thereof in vacation, shall enter an order reciting the deposit and declaring said judgment satisfied, and discharging the consolidated or merged corporation from any or all further liability thereunder, and shall direct the clerk of said court to mark said judgement satisfied; and thereafter the rights of such stockholder under his stock in the consolidating or merging corporation shall cease and determine, and his sole right shall be to receive the cash so deposited, upon surrender to the consolidated or merged corporation of the certificate or certificates representing the same, if any such certificate or certificates were issued to him, and the consolidated or merged corporation may issue and dispose of the stock to which such dissenting stockholder would have been entitled under

the agreement of consolidation or merger had he not dissented therefrom. And the said court, or the judge thereof in vacation, may in the same proceeding, upon application of the consolidated or merged corporation, enjoin the sale, negotiation or other disposition of the stock certificate or certificates held by such stockholder and may compel their surrender by him with appropriate endorsment to the consolidated or merged corporation.

The appraisers appointed pursuant to this section shall receive such compensation as may be allowed to them by the court in the order making the appointments, and their reasonable expenses incurred in connection with their investigation, which compensation and expenses shall be paid by the consolidated or merged corporation.

In all cases where statutes of this State now in force and effect authorize the union or consolidation and merger of the stock, property, and franchises of any corporation of this or any other State with and into the stock, property, and franchises of any other corporation or corporations of this or any other State, and provide that such union or consolidation and merger shall be taken and deemed complete so soon as the agreement thereof is filed in the office of the baord of public works, such agreement shall be filed in the office of the State corporation commission, and when so filed shall have the same force and effect as if the same had been filed in the office of the board of public works.

Sec. 3851. How certificate executed and acknowledged; judge's certificate; fee; duties of the commission and the secretary of the Commonwealth; recordation; certificate to be endorsed and preserved; vesting of corporate powers.—Such certificate shall be signed by at least three persons; shall be acknowledged by them before an officer authorized by the laws of this State to take acknowledgements of deeds, and shall be presented in term time or in vacation to the judge of the circuit court of the county, or of the circuit, corporation or chancery court of the city wherein the principal office of the cor-

poration is to be located.

Such judge shall thereupon certify thereon whether, in his opinion, such certificate is signed and acknowledged in accordance with the requirements of law, and if not, in what respects it is faulty. As soon as the certificate is so endorsed by the judge, and the fee and tax, if any, required by law to be paid to the State upon the charter shall have been duly paid, it, together with the receipt for such payment, and separate certified checks or bank drafts, postal note or money order, one payable to the secretary of the Commonwealth and one payable to the clerk of the proper court for the amounts of the proper fees for recording such charter, may be presented to the State corporation commission, which shall ascertain and declare whether the applicants have, by complying with the requirements of the law, entitled themselves to the charter and shall issue or refuse the same accordingly.

When so issued the certificate, with all endorsements, together with the order thereon of the State corporation commission, shall be

certified by the said commission, as required by law, to the secretary of the Commonwealth, and by the last named officer recorded in the charter records of his office, who shall thereupon certify the same by registered mail or personal messenger to the clerk of the circuit court of the county, or to the corporation court of the city wherein the principal office of such corporation is to be located, or to the clerk of the chancery court of the city of Richmond, when such principal office is to be located in said city, who shall likewise record the same in a book to be provided and kept for the purpose in his office, and when so recorded the fact of such recordation shall be endorsed upon the said certificate, and the said certificate, with all endorsements thereon, shall be returned by the said clerk by registered mail or personal messenger to the State corporation commission and lodged and preserved in the office of its clerk. Any failure on the part of such clerk to comply with the provisions of this section, within a reasonable time, not more than sixty (60) days from the date of issuing of charter by the State corporation commission shall subject him to a fine of not less than ten dollars nor more than one hundred dollars to be imposed by the State corporation commission.

As soon as the charter shall have been lodged for recordation in the office of the secretary of the Commonwealth, the persons who signed and acknowledged said certificate, and such other persons as may be associated with them according to the provisions of law, or of their charter and their successors, shall be a body, politic and corporate, by the name set forth in the said certificate, with the powers and upon the terms set forth therein, so far as not in conflict with law; and in addition shall have all the general powers and be subject to all general restrictions and liabilities conferred and imposed by this chapter and by the general laws of this State applicable thereto.

Sec. 3854. List of officers to be certified to clerk of court, and filed open to inspection; fee for filing; non-resident officers, et cetera; to appoint attorney at law upon whom process may be served; penalty for failure.—Every corporation incorporated under the provisions of this chapter and of chapters one hundred and fifty and one hundred and fifty-one, and every corporation of the same or similar general class or nature heretofore incorporated by the general assembly or under the laws of this State, shall, after each annual meeting of its stockholders, certify to the clerk of the court wherein its charter is recorded, a list of the officers and directors of such corporation elected at said annual meeting, and it shall be the duty of the said clerk to keep a file of such certificates, which shall be open to public inspection; and the clerk of such court shall be entitled to a fee of twenty-five cents for filing such certificate, to be paid by the said corporation; and every such corporation, all of whose officers and directors are non-residents of the city or county in which its principal office located, shall, before commencing to do business, by written power of attorney, appoint some practicing attorney at law residing in the city or county wherein the principal office of said corporation is located, its attorney, or agent upon whom all legal process against

the corporation may be served, and who shall be authorized to enter an appearance in its behalf. Such power of attorney shall be recorded in the clerk's office wherein the charter is recorded. Such power of attorney shall remain effective until lawfully revoked, and when lawfully revoked a new power of attorney to the same or some similar attorney shall be immediately executed and recorded. A duplicate of such power of attorney shall be filed with the clerk of the State corporation commission. Written notice of the resignation of the attorney or of the voluntary revocation of such power of attorney by the corporation shall be forthwith filed in the clerk's office wherein it is recorded, and the clerk shall note such resignation or revocation on the margin of the page of the book wherein the power of attorney is recorded, and be entitled to a fee of twenty-five cents therefor, and until this is done such revocation shall be ineffective and the original power of attorney shall remain effective. If there be no such attorney in fact in office residing in such county or city then all legal process against such corporation may be served upon the clerk of the court of such county or city wherein is such principal office, having jurisdiction of the suit, action or proceeding. Any such corporation failing to comply with the provisions of this section within sixty days after its annual meeting shall be fined not less than ten dollars nor more than one hundred dollars, and each day's continuance of such failure may be construed to be a separate offense under this section, such fine to be imposed and enforced by the State corporation commission, with right of appeal to the supreme court of appeals; and if any such corporation shall be in default for more than six months in complying with the provisions of this section, the State may proceed against such corporation by writ of quo warranto, or information in the nature of a writ of quo warranto, for the vacation and forfeiture of its charter, and upon judgment in such proceedings against any such corporation, its charter shall thereafter be vacated and forfeited. Such proceeding shall be instituted and prosecuted by the attorney general, at the request of the State corporation commission.

Sec. 3872. Incorporation of companies, societies or associations, not organized for profit, in which no capital stock is required.—Any number of persons not less than three may, by executing, filing and recording a certificate as hereinafter set forth, associate to incorporate a company, society, or association, not organized for profit, in which no capital stock is required, or to be issued, but the provisions of this section shall not be construed to authorize the incorporation of any church or religious denomination.

Sec. 3876. How corporations may sell, exchange, convey, reinvest, or incumber its property; vote required; notice; when bonds not to be issued.—Any corporation chartered under this chapter and any similar corporation chartered by any court or by any act of the general assembly of Virginia may sell or exchange, transfer and convey any of its property, real, personal or mixed, to promote or advance the necessary objects and purposes of such corporations, or for the purpose of reinvesting in other property, real or personal, to.



be devoted to its objects and purposes, and may borrow money and issue its notes and obligations therefor, and secure the payment of the same by deed of trust or mortgage, for the whole or any part of the purchase price of any real estate purchased by such corporation, or for the purpose of building or otherwise improving any real estate purchased by such corporation, or for the purpose of building or otherwise improving any real estate owned by it, or for the purpose of paying any debt heretofore or hereafter contracted to promote or advance the objects or purposes of such corporation.

Before any such corporation shall dispose of or encumber its real property, the same shall be sanctioned by a vote of a majority of the members of such corporation having voting power present at a meeting of the members called by its board of trustees, directors or managers for that purpose, of which meeting notice, by publication at least six times a week, for two successive weeks prior to such meeting, in some newspaper published in the place where its principal office is located, or having a general circulation therein, or notice in writing shall be given to each member of the corporation having voting power, by serving the same on him personally or by mailing it to him addressed to the post office nearest his place of residence as it appears on the books of the corporation, at least ten days prior to such meeting, which notice shall state the time and place of the meeting and its object.

If at such meeting a majority of the members having voting power present and voting shall vote in favor of disposing of or encumbering such real estate, or any part thereof, then the board of trustees, directors or managers of such corporation shall be authorized and empowered to dispose of such real estate, or to encumber same by deed of trust or mortgage upon the real estate of such corporation, or any part thereof, and to execute and deliver under the corporate seal of such corporation, all necessary evidences of debt, deeds, conveyances, deeds of trust, or mortgages, as may be necessary in the premises; but no bonds shall be issued by any such corporation until after full compliance with the provisions of section one hundred and sixty-seven of the Constitution of this State, so far as applicable; and in default thereof, any such corporation shall be subject to all the penalties prescribed in this charter against corporations for issuing bonds without first having complied with the provisions of said section of the Constitution.

In any case where it shall be stated by a member having voting power in the power of attorney appointing his proxy, or be made to appear to the satisfaction of the meeting in any other way, that by reason of age, physical infirmities, or for any other cause, such member is unable to attend any meeting called or held for any of the purposes mentioned in this section, such member shall be allowed to vote at such meeting by proxy appointed in the manner as is provided in cases of stock corporations by section thirty-seven hundred and ninety-nine of the Code and the vote by proxy shall have the same effect as if cast by the member present in person; provided.

however, when the constitution of any such corporation requires any of the above matters mentioned in this section to be approved by a larger vote than a majority, then the vote required to approve shall be governed by such constitution and not by this section.

CHAP. 381.—An ACT to provide for the compulsory education of children between the ages of eight and fourteen years, and to repeal an act entitled an act to provide (in certain cases) for the compulsory attendance of children between the ages of eight and twelve years upon the public schools of Virginia and to repeal an act entitled an act to provide (in certain cases) for the compulsory attendance of children between the ages of eight and twelve years upon the public schools of Virginia, and providing penalties for failure, and designating the manner of collecting such penalties, approved March 14, 1908, approved March 27, 1918. [H B 8]

# Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia:

Section 1. Every parent, guardian, or other person in the State of Virginia, having control or charge of any child, or children, who have reached the eighth birthday and have not passed the fourteenth birthday, shall send such child, or children, to a public school, or to a private, denominational or parochial school or have such child or children taught by a tutor or teacher in a home, and such child, or children, shall attend regular such school during the period of each year the public schools are in session and for the same number of days as in the public schools. The period of compulsory attendance shall commence at the beginning of the school which the pupil attends. But the provisions of this section shall not apply to a child between the ages aforesaid who has completed the elementary course of study prescribed by the State board of education, or the course of study provided by the school he should attend, and who is actually, regularly and lawfully employed; nor to any child who lives more than two miles by the nearest traveled road from a public school, unless public transportation is provided within one mile of walking distance from the place where such child lives.

Section 2. For the purpose of this act instruction in a private denominational, or parochial school, or in a home by a tutor or other teacher shall be deemed equivalent to instruction in a public school.

Section 3. Any child who is physically or mentally incapacitated for the work of the school is exempt from the provisions of this act, but the division superintendent of schools shall have the right, and he is hereby authorized, when exemption under the provisions of this section is claimed by any parent, guardian, or other person having control of any child or children for physical incapacity to require from a practicing physician a properly attested certificate, issued after such an examination as may be specified by the State board of health, and such child or children should not be required to attend school on account of some physical condition which renders attend-

ance impracticable or inexpedient, and if for mental incapacity the division superintendent shall have the right, and he is hereby authorized, to require the child to submit to such mental test or tests as may be prescribed by the State board of education.

Section 4. Any parent, guardian, or other person having control of a child, who fails to send such child to school as required by this

act; or

Any parent, guardian, or other person who makes a false statement concerning the age of school attendance of a child between the ages of eight and fourteen years who is under his control, such false statement being made with the intent to evade the provisions of this act; or

Any person who induces or attempts to induce any child to be absent unlawfully from school, or who knowingly employs or harbors while school is in session any child absent unlawfully from school; or

Any person who commits any offense under this act for which no specific penalty is provided herein, shall be guilty of a misdemeanor and on conviction shall be fined not exceeding twenty-five dollars.

It is hereby made the duty of all attorneys for the Commonwealth in their respective counties and cities to prosecute all cases arising under this act. In cities or counties having juvenile and domestic relations courts, such courts shall have exclusive original jurisdiction for the trial of all cases arising under this act.

Section 5. In any case where the tribunal before which any prosecution is brought for violation of the provisions of this act shall, after inquiry, find as a fact that the parent, guardian, or other person having control of the child or children is unable to provide necessary clothes in order that the child or children may attend school in compliance with the law, such parent, guardian, or other person having control of the child or children shall be acquitted, and such child or children shall be deemed to be dependent. But the local school board may, in any case in its discretion, furnish such child or children with the necessary clothes, to be paid for out of any funds available, and in this event such child or children shall be sent to school as provided in section one of this act.

Section 6. Within fifteen days after the opening of the school each principal teacher shall report to the division superintendent the names of all pupils enrolled in the school, giving age, grade and the name and address of parent or guardian. Said teacher shall in like manner submit an auxiliary list giving to the best of his information the names of children between the ages of eight and fourteen who reside within two miles of the school or within one mile of a wagon route and who are not enrolled in the school. The division superintendent shall check these lists with the last school census and with reports from the bureau of vital statistics. From these reports and from any other reliable source the superintendent shall within fifteen days make a list of the names of children who are

not enrolled in any school, and who are not exempt under the provisions of this act. The division superintendent, or the attendance officer, if one be employed, shall investigate all cases of non-enrollment, and when no valid reason is found, shall notify the parent, guardian or other person having control of the child, and require the attendance of such child at the school within five days from the date of such notice. A list of persons so notified shall likewise be sent to the principal teacher of the school. If the parent, guardian, or other person having control of the child do not within the specified time comply with the provisions of this act, the division superintendent shall report the facts to an attendance officer, if one be employed, and it shall be the duty of said officer to whom the facts are reported, to make complaint in the name of the Commonwealth of Virginia before a justice of the peace, or a police justice of the magisterial district or city in which the parent, guardian or other person having control of the child resides; or complaint may be made in the corporation or circuit court of the city or county in which said parent, guardian or other person having control of the child resides (provided that where juvenile and domestic relations courts are maintained, such courts shall have jurisdiction in all cases arising under this act), which officers and courts are hereby clothed with jurisdiction over all offenses and proceedings under this act with full power to hear and try all complaints, impose fines and penalties and fully execute the provisions of this act.

Section 7. An accurate daily record of attendance of all children between eight and fourteen years of age shall be kept by the teacher of every public school. Such record shall at all times be open to any officer duly authorized to enforce the provisions of this act who may

inspect or copy the same.

The principal or head teacher of every public school shall whenever a case arises report to the attendance officer or other person duly authorized to enforce the provisions of this act, the name, date of absence, and address of parent, guardian, or other person having charge of such child, of all pupils enrolled who are unexpectedly absent from school according to the provisions of this act, the validity of the excuse to be determined in each case by the judgment of the teacher.

If any parent, guardian, or other person having charge or control of a child between the ages of eight and fourteen years causes, permits or allows such child to be absent from school unlawfully for five days or its equivalent in any school month shall be notified in writing by the attendance officer or the division superintendent to cause said child to attend school. If after service of such notice, said child is again absent from school unlawfully during that school month, or is absent from school unlawfully five days or its equivalent during any subsequent school month of that school year, the parent, guardian, or other person having charge or control of said child who has failed or neglected to use all proper means to compel attendance of said child shall be guilty of a misdemeanor, and upon

complaint by the attendance officer, division superintendent, or other person authorized to enforce provisions of this act and upon conviction thereof shall be punished by a fine of not more than twenty-five dollars (\$25).

Provided that in the discretion of the local school board nonenrollment or non-attendance upon school on account of necessary work during certain seasons of the year may be considered lawful and valid excuse for such temporary non-enrollment or nonattendance.

Section 8. Every local school board shall have power to appoint, with the approval of its division superintendent of schools, one or more attendance officers, who shall be primarily charged with the enforcement of this act, and for such purpose only such attendance officers are hereby vested with the powers and authority of police officers and constables, provided that in the county or city where no attendance officer is appointed by the local school board, the division superintendent of schools shall act as chief attendance officer. Attendance officers shall be compensated for their services in such sums, or by such fees, as shall be determined by their local school boards, upon the recommendation of the division superintendent of schools. Every attendance officer shall keep an accurate record of all notices served, all cases prosecuted, and all other services performed, and shall make an annual report of the same to the school board appointing him.

Section 9. It shall be the duty of the State superintendent of public instruction to formulate such rules and regulations and provide such assistance in his office as shall be necessary for the proper and uniform enforcement of the provisions of this act in co-operation with the local school authorities. He shall prepare and furnish such blanks for attendance officers, teachers, and other school officials as may be necessary for reporting each case of non-attendance to the chief attendance officers or other person charged with the enforce-

ment of this act.

Section 10. In case any pupil has become habitually truant, or because of irregular attendance or misconduct, has become a menace to the best interest of the school which he is attending, or should attend, then it shall be the duty of the attendance officer, or such other person as may be charged with the enforcement of this act, to report such fact and condition to the parent, guardian, or other person having control of such child, who shall be held liable under the provisions of this act for the regular attendance and good conduct of such child, unless such parent, guardian, or other person having control of such child, shall state in writing that he or she is unable to control such child, whereupon said officer shall proceed against such child as a delinquent child before a tribunal of competent jurisdiction.

Section 11. Nothing in this act contained shall apply to any child or children who for cause have been excused from the operation of this act by the local school board.



Section 12. Any county or city which may be without adequate buildings for the proper enforcement of this act at the time the same becomes effective is hereby allowed two years from the date on which it becomes effective to make ample provisions for its enforcement; but this time shall be extended if in the opinion of the local tax levying authorities of any county or city, such county or city is unable to provide adequate facilities for all of the children subject to enrollment hereunder, and the length of such extension shall be determined by said local authorities. Provided, however, that the school board of any county or city, the board of supervisors of the county or the council or other governing body of the town or city concurring, may except its county or city from the provisions of this bill; which exception may be rescinded at the pleasure of said bodies.

Section 13. An act entitled an act to provide (in certain cases) for the compulsory attendance of children between the ages of eight and twelve years upon the public schools of Virginia and to repeal an act entitled an act to provide (in certain cases) for the compulsory attendance of children between the ages of eight and twelve years upon the public schools of Virginia, and providing penalties for failure, and designating the manner of collecting such penalties, approved March fourteenth, nineteen hundred and eight, approved March twenty-seventh, nineteen hundred and eighteen, is hereby repealed.

CHAP. 382.—An ACT to amend and re-enact section 2252 of the Code of Virginia, as amended by an act approved March 15, 1920, and March 19, 1920.

[H B 112]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-two hundred and fifty-two of the Code of Virginia, as amended by acts approved March fifteenth, nineteen hundred and twenty, and March nineteenth, nineteen hundred and twenty, be amended and re-enacted to read as follows:

Sec. 2252. Number of the commissioners of revenue; when and how districts changed; voters in a city not to vote for commissioners of a county.—There shall be four commissioners of the revenue for each of the counties of Bedford, Franklin and Pittsylvania; three for each of the counties of Carroll, Grayson, Halifax, Hanover, Louisa, Patrick, Tazewell, Campbell, Smyth and Buchanan; two for each of the counties of Accomac, Albemarle, Amherst, Bath, Botetourt, Brunswick, Buckingham, Charlotte, Chesterfield, Cumberland, Dickenson, Dinwiddie, Fluvanna, Floyd, Henry, Henrico, Lunenburg, Madison, Mecklenburg, Montgomery, Nansemond, Nelson, Norfolk, Nottoway, Orange, Prince William, Russell, Roanoke, Scott, Southampton, Sussex, Stafford, Washington and Wythe; one for each magisterial district in the counties of Augusta, Fauquier, Lee, Loudoun, Rockbridge, Rockingham, Alleghany, Spotsylvania, Caroline

and Wise; one for every other county now existing, or which may hereafter be created, and one for each city; but the voters residing within any city shall not vote for the commissioner of the revenue for the county within the limits of which the city lies.

In those counties in which there may be more than one commissioner, each shall be for a certain district or districts, the bounds of which shall be as laid off and established when this act takes effect; but the circuit court of any of said counties may, prior to May first in any year, make any change in said districts which to it shall seem proper. The provisions of this act giving to the county of Buchanan three commissioners instead of two, and giving the county of Shenandoah one commissioner instead of one for each magisterial district as at present, and giving Culpeper county one commissioner instead of two and Frederick county one commissioner instead of two, shall not become effective until the next election of commissioners for the said counties.

All acts inconsistent with this act are hereby repealed.

CHAP. 383.—An ACT to amend and re-enact section 1053 of the Code of Virginia.

[H B 82]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section ten hundred and fifty-three of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 1053. Bond of committee; judge may appoint in vacation; when sheriff or sergeant made committee.—The court making such appointment shall take from such committee a bond in such penalty and with such surety as it may deem sufficient; and where a person is found insane under the provisions of section ten hundred and fifty, the judge of the circuit court of the county or corporation court of the city of which he is an inhabitant, in vacation, as well as such court, may appoint a committee for him, and any committee so appointed shall be required to give a bond in such penalty and with such surety as such court or judge may deem sufficient. If any person appointed committee of an insane person refuse the trust or fail to give bond as aforesaid within two months from the date of his appointment, or if no person be appointed a committee within one month from the adjudication, the court, or the judge thereof, in vacation, on motion of any person interested, may appoint some other person committee, taking from such committee bond as aforesaid, or shall commit the estate of the insane person to the sheriff of the county or sergeant of the city of which he is an inhabitant, who shall be the committee, and he and the sureties in his official bond shall be bound for the faithful performance of the trust. The provisions of this chapter as to the appointment of committees of insane persons shall apply to the appointment of committees of epileptics. feeble-minded persons and idiots.

CHAP. 384.—An ACT to amend and re-enact section 5379 of the Code of Virginia.

[H B 77]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-three hundred and seventy-nine of the Code of Virginia be amended and re-enacted to read as follows:

Sec. 5379. Personal representatives to furnish the ages and addresses of heirs; affidavit; clerk to record list; cost of recording; list as evidence; commissions of personal representatives.—Every personal representative of an intestate shall, at the time of his qualification, furnish the court or clerk granting the administration a list of the names, and as far as possible the ages and addresses, of the heirs of his decedent, and the degree of kinship of each, to the decedent, accompanied by his affidavit that he has made diligent inquiry as to such names, ages and addresses, and that he believes such list to be true and correct, which list it shall be the duty of the clerk to record in the will book and index in the name of the decedent as grantor and the heirs as grantees. Such list so made and recorded shall be prima facie evidence of facts therein stated. The cost of recording such list shall be deemed a part of the cost of administration, and be paid out of the estate of the intestate. Such personal representative shall not receive any compensation for his services until such list is filed and recorded, unless he files an affidavit before the commissioner of accounts that said heirs are unknown to him, and that after diligent inquiry he has been unable to ascertain their names, ages, or addresses as the case may be.

CHAP. 385.—An ACT to authorize the governor, by and with the advice of the attorney general, to institute and prosecute actions, suits, motions and other proceedings, in the name of the Commonwealth of Virginia, in all cases not provided for by existing law.

[H B 397]

# Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That in order to protect or preserve the interests or legal rights of the Commonwealth in all cases not provided for by existing law, the governor of Virginia shall have power, by and with the advice of the attorney general of Virginia, to institute and prosecute any requisite and appropriate action, suit, motion, or other proceeding, in the name of the Commonwealth of Virginia, in the supreme court of the United States or any other court or tribunal in which such action, suit, motion, or other proceeding may be properly commenced and prosecuted.

CHAP. 386.—An ACT to amend and re-enact sections 1245, 1246, 1247 and 1248 of the Code of Virginia. [H B 64]

### Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That sections one thousand two hundred and forty-five, one thousand two hundred and forty-six, one thousand two hundred and forty-seven and one thousand two hundred and forty-eight of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 1245. Dairy and food commissioner to cause to be collected and analyzed samples of condimental stock and poultry foods, et cetera; power to make appointments.—The dairy and food commissioner shall cause to be collected from time to time, and under the rules and regulations prescribed by him, with the approval of the commissioner and board of agriculture and immigration in accordance with the provisions of this section, samples of condimental stock and poultry foods and powders, and patented, proprietary or trademark stock and poultry foods and powders, and liquid preparations of like kind or intended for like purposes, for which a nutritive value combined with a medicinal property is claimed, or for which either a nutritive or a medicinal property is claimed, or which is intended as an alterative or tonic for horses, cattle, swine or poultry, and which are found exposed or offered for sale in this State, and shall cause same to be analyzed and examined microscopically or otherwise by the chemists or other experts of the department of agriculture and immigration, and he is hereby authorized to make such publication of the results of the examination, analysis, and so forth, as he may deem proper, and for the proper execution of the provisions of this section, the dairy and food commissioner shall, with the approval of the commissioner and the board, make such appointments as may be necessary, and the board shall fix the compensation of such appointees.

Section 1246. Manufacturers, dealers, et cetera, to make application to sell condimental stock and poultry foods, et cetera; inspection fee; certificate; disposition of fees.—Before any manufacturer, company, person or persons shall sell, offer or expose for sale in this State any condimental stock and poultry food or powder, and liquid preparations of like kind or intended for like purposes he, or they shall for each and every brand of condimental stock and poultry food or powder, and for each and every brand of patented, proprietary or trademark stock and poultry food and powders and liquid preparations of like kind or intended for like purposes, for which a nutritive value combined with a medicinal property is claimed, or for which either a nutritive or a medicinal property is claimed, or which is intended as an alterative or tonic for horses, cattle, swine or poultry, make application to the dairy and food commissioner to sell the same, and shall pay annually to the dairy and food commissioner at the time of making application to sell, an inspection fee of twenty dollars for each and every brand of condimental foods and powders and each brand of patented, proprietary or trademark stock and poultry food and powders, and each brand of liquid preparations of like kind or intended for like purposes, he or they may desire to offer for sale in this State, said fee or fees so paid to be used for the purpose of defraying the costs of taking samples and making such examinations and analyses as is provided for in the preceding section. The dairy and food commissioner shall issue, on receipt of the proper application and inspection fee or fees, a certificate granting the right to sell in this State, the article or articles for which certificate was issued, which certificate shall terminate on the last day of the calendar year in which issued. The money collected for inspection fees under the provisions of this section shall be paid into the State treasury, and be used to help defray the expenses of the office of the dairy and food commissioner, in addition to the regular appropriation therefor.

Section 1247. If manufacturer or importer, et cetera, has paid inspection fee, no agent or seller need pay it.—Whenever a manufacturer, importer, agent or jobber of any condimental stock or poultry food, powders or liquids, described in the preceding section, shall have paid the inspection fee or fees provided therein, no agent or seller of such manufacturer, importer or jobber, shall be required to pay such fee.

Section 1248. If foods or powders are not labeled correctly, or if they contain deleterious substances, commissioner may decline to issue certificate or to declare forfeited one already granted.—The dairy and food commissioner shall have the power to decline to issue a certificate, or to declare forfeited a certificate already granted for the sale of such condimental stock and poultry foods, powders, or liquids as are described in section twelve hundred and forty-five, if each package of said foods and powders are not labeled in accordance with the rules and regulations prescribed by the dairy and food commissioner, with the approval of the commissioner and board of agriculture and immigration, or if such foods and powders contain any substance or substances which may prove deleterious or harmful when used for the purpose or purposes for which they are recommended.

CHAP. 387.—An ACT to amend and re-enact section 1173 of the Code of Virginia.

[H B 65]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section eleven hundred and seventy-three of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 1173. Registration of dairy, et cetera; report of milk, et cetera, received, and of butter, et cetera, manufactured.—It shall be the duty of the proprietor or proprietors of every skimming station, creamery, cheese factory, condensed milk station, or milk depot, in the State where milk or cream is received, by purchase or otherwise,

from three or more persons, to register with the dairy and food commissioner, on or before April first of each year, upon blanks furnished by said official, the location of such skimming station, creamery, cheese factory, condensed milk factory, or milk depot, and the name of its owner or owners and manager. And it shall be the duty of the proprietor or proprietors of every skimming station, creamery, cheese factory, condensed milk factory or milk depot, in this State, where milk or cream is received, by purchase or otherwise, from three or more persons, to file a report with the dairy and food commissioner, said report to be made on or before April first of each year, upon blanks furnished by said official, and to show the amount of milk or cream received by said skimming station, creamery, cheese factory, condensed milk factory, or milk depot during the year ending December thirty-first preceding; and said report shall show the amount of butter, cheese, or condensed milk manufactured during the year, together with a list of the names and postoffice addresses of the patrons of said skimming station, creamery, cheese factory, condensed milk factory, or milk depot. Any person or persons owning or operating such skimming station, creamery, cheese factory, condensed milk factory, or milk depot failing to obey the requirements of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five nor more than one hundred dollars.

CHAP. 388.—An ACT to provide for the appointment of trial justices in counties adjoining one or more cities having a population of thirty thousand or more in the aggregate; to prescribe the terms of office, jurisdiction, duties and compensation of such trial justices. [H B 399]

# Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That in every county of this Commonwealth adjoining one or more cities having a population of thirty thousand or more in the aggregate, as shown by the last preceding United States census, there shall be appointed, in the manner and for the term hereinafter prescribed, a trial justice for each of such counties.

2. Within thirty days after this act becomes effective, the board of supervisors of such county shall nominate for such position one or more suitable and qualified persons and shall certify the name or names of such nominee or nominees to the judge of the circuit court of such county, who shall, within ten days and either in term time or vacation, appoint such nominee or one of such nominees or notify the board of supervisors, in writing, of his disapproval of its nomination or nominations, in which event the said board of supervisors shall, within thirty days, furnish additional nomination or nominations to the judge of said court, who, within ten days, shall appoint or disapprove as before, and so on until an appointment be made; except that in counties affected by this act, having a population of

fifty thousand or more, as shown by the last preceding United States census, such trial justice shall be appointed by the judge of the circuit court of such county, without the nomination herein provided.

3. The trial justices appointed hereunder shall hold office until the thirty-first day of December, nineteen hundred and twenty-four, inclusive, and thereafter the terms of office of such trial justices shall be for four years, commencing on the first day of January, nineteen hundred and twenty-five, and the first day of January of every fourth year thereafter. At the first meeting of the board of supervisors of very such county, held during the month of January, nineteen hundred and twenty-four, and every fourth year thereafter, nomination or nominations shall be made hereunder for the next ensuing term, and the appointment of a trial justice shall be made in the same manner as provided by the second section of this act. Any vacancy occurring in the office of trial justice, after appointment, shall be filled for the unexpired term by the judge of the circuit court of such county, without the nominations herein provided.

The board of supervisors of such county shall provide suitable quarters for the court of such trial justice at or convenient to the county seat, which court shall be opened for the transaction of business every day in the year except Sundays and legal holidays, but the trial justice shall be allowed annually a vacation period of not more than one month. The circuit court, or the judge thereof in vacation, shall appoint a substitute trial justice, and may at any time revoke such appointment, and shall make a new appointment in the event of such revocation, or of the death, absence or disability of such substitute trial justice. In the event of the inability of the trial justice to perform the duties of his office by reason of sickness. absence, vacation, interest in the claim, proceedings or parties before his court, or otherwise, such substitute trial justice shall perform the duties of the office during such inability, and shall receive for his services a per diem compensation equivalent to one-twenty-fifth of a monthly installment of the salary of the trial justice, payable out of the terasury of the county; and the board of supervisors may, from time to time, determine whether or not such compensation shall be deducted from the salary of the trial justice. While acting as such, the trial justice or the substitute may perform all acts with reference to the proceedings and judgments of the other in any warrant, claim or proceeding before the court of the trial justice in the same manner and with the same force and effect as if they were his own. Provided, however, that in counties where the circuit court may so order, such trial justice shall hold court, for a term of sufficient duration to dispose of all cases submitted to him for decision. at least once in each month in each magisterial district of his county, at such times and places as shall be necessary or shall be designated by said circuit court. A schedule of such times and places shall be kept posted by said trial justice at the courthouse of his county and at least one public place in each magisterial district.

5. Before entering upon the performance of his duties, the trial

justice and the substitute trial justice shall take the oaths prescribed by law, and they shall enter into bond in the penalty of five hundred dollars before the circuit court, or the clerk thereof, with surety to be approved by said court or clerk, and conditioned for the faithful performance of their duties.

6. The jurisdiction of such trial justice shall be as follows:

(a) The said trial justice shall be a conservator of the peace within the limits of the county for which he is appointed and shall have exclusive original jurisdiction for the trial of all offenses against the by-laws or ordinances of said county.

(b) In criminal cases the jurisdiction of such trial justice shall be the same, within the limits of his county, as that now provided by chapter one hundred and twenty-three of the Code of Virginia or which may be hereafter provided for police justices of cities.

(c) In civil cases the jurisdiction of such trial justice shall be the same, within the limits of his county, as that provided by chapter one hundred and twenty-four, of the Code of Virginia or which may

be hereafter provided for civil and police justices of cities.

7. Nothing in this act shall be construed to interfere with, or abridge the rights of justices of the peace to issue warrants and subpoenas in both civil and criminal cases, and receive their fees therefor, but all such warrants and subpoenas shall be returnable before the trial justice for action thereon. The trial justice shall issue no such warrants.

8. All the provisions of law now in force, or which may be hereafter enacted, governing preliminary examinations, procedure and appeals in both civil and criminal cases cognizable by justices of the peace of counties not affected by this act shall apply in like manner to cases tried before the trial justices appointed hereunder, unless otherwise provided herein, except that in civil cases triable before such trial justices no removal to any other court shall be allowed.

9. Such trial justice shall receive a salary, to be fixed by the board of supervisors at not less than eighteen hundred dollars per annum nor more than thirty-six hundred dollars per annum, and to be paid in monthly installments out of the treasury of the county, and he shall receive no other compensation for his services as trial justice; provided, that in counties affected by this act, having a population of fifty thousand or more, as shown by the last preceding United States census, the salary of such trial justice shall be fixed by the judge making the appointment, within the limits aforesaid. The trial justice shall charge and collect all fees which justices of the peace for counties not affected by this act are authorized to charge and collect, except in cases where the fee for issuing the warrant has been collected by the justice of the peace for issuing the same, and the fact of such payment certified on the warrant by the justice of the peace so issuing the same, and out of all fees collected by the trial justice he shall first pay the officers' fees and costs, and shall pay the balance into the county treasury monthly.

10. If any claim shall have been pending before such trial justice

sixty days, he shall notify the parties or their attorneys that the same will be dismissed in ten days thereafter, unless good cause be shown to the contrary; and unless such cause be shown, the trial

justice shall forthwith dismiss such warrant.

11. All papers connected with any of the proceedings in the trial of cases before such trial justices, except such as may relate to cases removed or appealed, shall remain in the office of the trial justices for twelve months and then be returned to the clerk's office of the circuit court of the county, and shall be properly filed, indexed and preserved by the clerk thereof, who shall receive the same fees as are allowed by the clerk thereof, who shall receive the same fees as are allowed for receiving, filing and indexing papers returned by justices of the peace.

12. The trial justice shall keep a docket in which shall be entered all causes tried and prosecuted before him and the final disposition of

the same, together with an account of costs and fines.

13. The board of supervisors shall provide all necessary books, stationery and supplies. Such books and supplies shall be under the control of the trial justice and shall remain the property of the

county.

14. In counties affected by this act, having a population of fifty thousand or more, as shown by the last preceding United States census, this act shall become immediately effective. In counties affected by this act, having a population of less than fifty thousand, as shown by the last preceding United States census, except as hereinafter provided, this act shall not be effective unless and until the board of supervisors of such county shall, by its resolutions, have approved and adopted the same by a recorded majority vote of all the members of such board, a copy of which resolution shall forthwith be certified to the electoral board of such county, and the same shall have been submitted to and approved by the qualified voters of such county. At the general election next following the adoption of such resolution by such board of supervisors, the question of the adoption of this act shall be submitted to the qualified voters of such county upon the ballot used at such election, in such form as the electoral board shall prescribe. If a majority of the qualified voters, voting at such election, shall vote in favor of such adoption, then this act shall immediately become effective in such county. And in no case shall this act apply to the county of Amherst. In counties affected by this act, adjoining a city or cities having a population of not less than one hundred and seventy thousand according to the last United States census, this act shall not become effective unless and until the board of supervisors of such county shall by its resolution and by a majority vote thereof have approved and adopted the same and a copy thereof certified to the circuit court of such county.

CHAP. 389.—An ACT to amend and re-enact sections 3408 to 3422, both inclusive, of the Code of Virginia, section 3408 of which was amended by an act approved February 21, 1920, and to repeal an act entitled an act to amend and re-enact section 3191 of the Code of Virginia, as amended and re-enacted by an act approved March 13, 1914, entitled an act to amend and re-enact section 3191, chapter 154, of the Code, as amended by an act in force on and after February 2, 1892, and by an act in force on and after July 1, 1896, and by an act approved March 14, 1910, relating to how a person is licensed to practice law in the State of Virginia, approved March 14, 1918; and to repeal an act entitled an act to amend and reenact section 3194 of the Code of Virginia, as heretofore amended, in relation to the practice of law without a license, approved March 9, 1918.

[H B 363]

# Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That sections thirty-four hundred and eight to thirty-four hundred and twenty-two, both inclusive, of the Code of Virginia, section thirty-four hundred and eight of which was amended by an act approved February twenty-first, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 3408. Who may practice law in this State.—The following

persons may practice law in this State:

All persons, male and female, who have heretofore obtained, or may hereafter obtain a license to so practice under the laws of this State, and whose license has not been revoked, and who have paid the license tax prescribed by law; provided, that the attorney at law holding any license heretofore granted has already commenced the practice of his profession or shall commence the practice thereof within two years from the date of the granting of such license.

Any person duly authorized and practicing as counsel or attorney at law in any State or territory of the United States, or in the District of Columbia, may, for the purpose of attending to any case he may occasionally have in association with a practicing lawyer of this State practice in the courts of this State, in which case no fee shall

be chargeable against such non-resident attorney.

Sec. 3409. When supreme court of appeals may grant licenses without examination.—The supreme court of appeals shall have discretion to grant a certificate without examination to any lawyer who has practiced before the supreme court of any State or territory of the United States or the District of Columbia for three years, or to any professor in any of the law schools of this State who has taught in said school for a period of three years or more, which certificate shall entitle the holder, after paying his license tax, to practice in the courts of this State. All other persons shall stand the examinations and comply with the provisions of the other sections of this chapter applicable thereto.

Sec. 3410. Board of bar examiners; appointment; terms, vacancies.—There shall be a board of five competent lawyers resident in this State for the examination of applicants for admission to the bar. The members of this board shall be appointed for a term of five years by the supreme court of appeals, and shall consist of the present

board until their respective terms expire. As such terms expire or vacancies otherwise occur, they shall be filled by said court for the

full term of five years.

Sec. 3411. Time and place of examination; issuance of license; list to be certified to supreme court of appeals.—Such board shall hold at least two examinations each year, at such times as it may prescribe by general rule or special order; but if only two of such examinations are held in any one year, they shall not be less than five months apart. One of such examinations shall be held in the city of Richmond, and one in the city of Roanoke each year, unless for good cause it be necessary to hold it elsewhere. It shall issue a license to practice law in this State to every applicant who shall have successfully passed the examination on all the subjects required and shall have complied with the requirements of this chapter and the rules of the board, which license shall be signed by at least three members of the board. The board shall forthwith certify to the supreme court of appeals a list of those whom it has so licensed, which list shall be spread upon the records of said court.

Sec. 3412. Secretary and treasurer of the board.—The official stenographer of the supreme court of appeals shall be ex-officio the secretary and treasurer of the board, but it may, in case of necessity,

appoint a temporary secretary and treasurer.

Sec. 3413. President of board; rules and regulations; quorum.—The board shall elect one of its members president, and may make, alter and amend rules and regulations as to the legal qualifications of applicants, the requirements necessary for passing examinations, in whole or in part, and as to all things necessary or expedient for the proper conduct of its examinations and the proper discharge of its duties. Three members shall constitute a quorum for holding examinations or the transaction of other business.

Sec. 3414. Preservation of examination papers.—The examination papers shall be kept on file in the office of the secretary and treasurer at Richmond for one year after each examination, total or par-

tial, after which they may be destroyed.

Sec. 3415. Re-examinations.—Any applicant failing to pass an examination, in whole or in part, may again apply at any subsequent examination upon showing to the board that he has diligently pur-

sued the study of law since the former examination.

Sec. 3416. Pay of members of board and their secretary and treasurer; expenses of examinations.—The members of said board shall each receive as compensation ten dollars per day for the time spent in the discharge of their duties as members, and mileage now allowed by law to the members of the general assembly of this Commonwealth, to meet the expenses incurred in going to, holding and returning from any sessions of the board held for the discharge of any of the duties devolving upon them. The compensation of the secretary and treasurer shall be fixed by the board. The per diem and mileage of the members of the board, the compensation of the secretary and treasurer, and the necessary expenses incurred in conducting



the examinations, shall be paid by the secretary and treasurer out of the fund derived from fees paid by applicants. The compensation for services and expenses herein provided for shall not exceed the amount received as fees from applicants, which shall be fixed by the rules and regulations adopted by the said board, as hereinafter provided, relative to the examinations to be held by said board.

Sec. 3417. Fees to be paid by applicants.—In order to defray the compensation, mileage and expenses above provided for, the board shall fix by general rule or special order the fees to be paid by each applicant. If any surplus accumulates from such fees, it shall be divided at periods of five years between the law libraries of the supreme

court of appeals at Wytheville and Staunton.

Sec. 3418. Preliminary certificate of character and of age.—No one shall take any examination until he shall file with said board a certificate from the circuit court of the county, or the corporation court of the city wherein he resides, or the judge of either of said courts, that he is a person of honest demeanor, is over the age of twenty-one years, and has resided in this State the preceding six months; or, if he has been a student in one of the law schools of this State connected with a university or college, a certificate signed by any two professors of said law school that he is a person of honest demeanor, is over the age of twenty-one years; and within the preceding three years has studied law at said school for a period of two collegiate years.

Sec. 3419. Preliminary certificate of persons over nineteen and under twenty-one years of age.—Any person who is over the age of nineteen and under twenty-one years of age may also take any examination upon filing with the board a certificate from the circuit court of the county, or the corporation court of the city in which he resides, or the judge of either of said courts, that he is a person of honest demeanor, that he is over the age of nineteen years, that he has studied law for the period of two years in the office of a practicing attorney in this State, and that he will attain the age of twenty-one years on the \_\_\_\_\_ day of \_\_\_\_ (giving the date); or, if he has been a student in one of the law schools of this State connected with a university or college, a certificate of two of the professors in said school, that he is a person of honest demeanor, that he is over the age of nineteen years, that within the preceding three years he has studied law for a period of two collegiate years in one of said law schools, or in the office of a practicing attorney in this State, as the case may be, and that he will attain the age of twenty-one years on the \_\_\_\_\_ day of \_\_\_\_ (giving the date). No license to an applicant under this section shall be issued until he attains the age of twenty-one years.

Sec. 3420. Revocation of license.—The board may, for good cause, revoke any license isued by it at any time before there has been a qualification under it in any of the courts of this Commonwealth, but not thereafter.

Sec. 3421. Attorney to qualify in each court in which he prac-

tices.—Every such person shall produce, before each court in which he intends to practice, satisfactory evidence of his being so licensed or authorized, and take an oath that he will honestly demean himself in the practice of law, and to the best of his ability execute his office of attorney at law; and also, when he is licensed in this State,

take the oath of fidelity to the Commonwealth.

Sec. 3422. Penalty for practicing without being licensed and qualified; when penalty not incurred.—If any person shall practice law for compensation in this State, without being so licensed or authorized, or without taking the oaths required, he shall be fined, for each offense, not less than fifty dollars, nor more than one hundred and fifty dollars; but this penalty shall not be incurred by an attorney practicing for compensation, after obtaining a license, if he shall qualify at the first term thereafter of any court of the county or corporation in which he resides.

2. An act entitled an act to amend and re-enact section thirty-one hundred and ninety-one of the Code of Virginia, as amended and re-enacted by an act approved March thirteenth, nineteen hundred and fourteen, entitled an act to amend and re-enact section thirty-one hundred and ninety-one, chapter one hundred and fifty-four, of the Code, as amended by an act in force on and after February second, eighteen hundred and ninety-two, and by an act in force on and after July first, eighteen hundred and ninety-six, and by an act approved March fourteenth, nineteen hundred and ten, relating to how a person is licensed to practice law in the State of Virginia, approved March fourteenth, nineteen hundred and eighteen, and an act entitled an act to amend and re-enact section thirty-one hundred and ninety-four, of the Code of Virginia, as heretofore amended, in relation to the practice of law without a license, approved March nine, nineteen hundred and eighteen, are hereby repealed.

CHAP. 390.—An ACT to amend and re-enact an act entitled an act ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes within the State, and authorizing the acquisition thereof and interest therein, and repealing all prior acts and parts of acts in conflict with this act, approved March 16, 1918.

[H B 116]

# Approved March 24, 1922.

- 1. Be it enacted by the general assembly of Virginia, That an act entitled an act ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes within the State, and authorizing the acquisition thereof, and any interest therein, and repealing all prior acts and parts of acts in conflict with this act, approved March sixteenth, nineteen hundred and eighteen, be amended and re-enacted so as to read as follows:
- Sec. 1. The consent of the State of Virginia is hereby given in accordance with seventeenth clause, eighth section, of the first article of the Constitution of the United States to the acquisition by the

United States, by purchase, condemnation, lease, or in any other manner whatsoever, of any land, or right or interest therein, in this State, required for sites for custom houses, court houses, hospitals, sanatoria, postoffices, arsenals, depots, terminals, cantonments, military or naval camps or bases or stations, aviation fields or stations, radio stations, storage places, target ranges, or for any other military or naval

purposes whatsoever of the government.

- Sec. 2. Exclusive jurisdiction in and over any lands, or buildings, any right or interest which has been so acquired by the United States, whether before or after the passage of this act, shall be and the same is hereby ceded to the United States for all purposes, herein provided except the service upon such sites of all civil and criminal process of the courts of this State, which right of service of said process within the bounds of said lands and sites is reserved to this State; but the jurisdiction so ceded shall continue no longer than the United States shall own or occupy such lands, or any right or interest therein; and whenever such lands or buildings abut upon the navigable waters of this State, such jurisdiction so ceded shall extend to and include such of the underwater lands adjacent thereto as lie between the line of low water mark and the bulkhead or pierhead line as now established or as such lines may be hereafter established.
- Sec. 3. The jurisdiction ceded shall not vest until the United States shall have acquired the title to, or possession of the said lands, or rights, or interest therein, by purchase, condemnation, lease, or otherwise; and so long as the said lands, or any rights, or interest therein are held in fee simple by the United States, and no longer, such rights, or interest, as the case may be, shall continue exempt and exonerated, from all State, county and municipal taxation, assessment or other charges, which may be levied or imposed under the authority of this State.

2. All acts or parts of acts in conflict with this act are to that extent repealed.

3. An emergency existing this act shall be in force and take effect from its passage.

CHAP. 391.—An ACT to amend and re-enact section 417 of the Code of Virginia.

[H B 207]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section four hundred and seventeen of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 417. Copies of unsigned grants, when admissible in evidence; Commonwealth's right relinquished when certain taxes paid; correction on record of grants signed but signature not recorded.—Where the records in the land office disclose the fact that the land warrant used as the foundation for a grant of any of the public lands of this Commonwealth, subject to grant, was fully paid for and that the right of such grant was finally and fully completed in the



manner prescribed by law and a grant therefor made out and spread upon the proper record book in said office, in due form of law and regular in every respect except only that the name of the then governor of Virginia was not recorded at the foot thereof on said record book, it shall be the duty of the register of the land office, upon the request of any person interested, to furnish a copy of such grant as it appears of record in said office, together with a certificate to the effect that the land warrant upon which said grant was founded was fully paid for; that the right to such grant had been finally and fully completed in the manner prescribed by law, and that said grant was regular in every respect except only that the signature of the governor did not appear at the foot thereof on the record. Such copy and certificate shall be received in evidence in any legal proceeding in which the title to the land described in said grant, or any part thereof, is brought in controversy and shall be prima facie evidence of title to such land; and when the land embraced in such grant, or any part thereof, shall have been regularly on the proper land books and the taxes and levies regularly assessed thereon and paid by the claimants thereof, claiming under such grant, for a continuous period of twenty years, any title which may rest in the Commonwealth, to so much of such land as has been so on the land books and upon which the taxes and levies shall have been so paid, shall be relinquished to the person so claiming the same and no location of any land office warrant thereon shall be valid; and any such claimant of such land, on which the taxes and levies shall have been so paid, may file a petition in the circuit court of the county in which such land lies, after ten days' notice in writing to the attorney for the Commonwealth for said county, who shall appear and defend the same on behalf of the Commonwealth and the county, and upon satisfactory proof of the fact that such land had so been on the land books of said county and all the taxes and levies regularly paid thereon for the period of time hereinabove specified, and the production before said court of the copy of such grant and the certificate of the register of the land office, hereinbefore provided for, the court shall make an order which shall recite and set forth all of such facts so proved and shown, which order, when so made and entered of record on the proper order book of said court, shall operate to effectually relinquish to the person so claiming such land through and under such grant, whatever right and title may rest in the Commonwealth thereto; and a copy of such order shall be conclusive evidence of the better right of the claimant under such grant, in any caveat proceeding or any other controversy between such claimant and any other person claiming under a location of such land or any part thereof, made after the date of such order.

But nothing contained in this section shall in any manner affect any right adverse to any person claiming under such grant, which vested prior to the passage of this act, nor divest the right or title, if any, of any junior grantee of any part of the land embraced within the exterior bounds of such grant, claiming under a junior grant which was regularly issued prior to the passage of this act, or any one holding or claiming through or under such junior grantee, or any one claiming by adverse possession of himself or his predecessors in title, but in any controversy between such adverse claimants or junior grantees, or persons claiming or holding through or under them, and any person holding or claiming through or under such grant as is first herein mentioned, the contesting parties shall be left to the strength of their respective rights and titles according to the nature of the case, independent of this section and just as if it had not been enacted.

If it shall appear from the original of any such grant as is first hereinabove referred to, that such original was actually signed by the governor, the register of the land office shall, upon the presentation to him in his office, of such original grant so signed, correct the record thereof so as to conform to such original grant and affix thereto the date of such correction and a certificate of the fact that such original, duly signed by the governor, had been so presented to him.

CHAP. 392.—An ACT to amend and re-enact section 2942 of the Code of 1919, as amended by chapter 367 of the acts of the General Assembly of 1920.

[H B 298]

### Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-nine hundred and forty-two of the Code of nineteen hundred and nineteen, as amended by chapter three hundred and sixty-seven of the acts of the general assembly of Virginia of nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 2942. City or town manager plan.—Under this plan all the legislative powers of the city or town, however conferred or possessed by it, are hereby vested in a council of three or five members, in cities or towns of ten thousand inhabitants or under; and of from five to eleven members in cities of above ten thousand inhabitants. Said council shall be elected at large, and shall have the duty of appointing the city or town manager, as the case may be, who need not be a resident of the city or town, or of the State. The council shall elect one of its members to preside over its meetings, who shall be ex-officio mayor; he shall be elected for a term of two years, and any vacancy in the office shall be filled by election by the council for the unexpired term; and the mayor shall have the same powers and duties as other members of the council, with a vote, but no veto, and shall be the official head of the city or town. With the exception of those officers required by the Constitution of the State to be elected by popular vote, the members of the council shall be the only elective city or town officials.

CHAP. 393.—An ACT to authorize and direct the board of supervisors of Wise county to borrow one hundred twenty-five thousand dollars for the purpose of grading, macadamizing or otherwise permenantly improving what is known as Applachia-Lynch highway in Richmond magisterial district.

[H B 523]

### Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Wise county be, and it is hereby, authorized and directed to borrow a sum not exceeding one hundred twenty-five thousand dollars for Richmond magisterial district in said county, the proceeds of said loan to be used for the purpose of grading, macadamizing or otherwise permanently improving the road in said Richmond magisterial district commonly known as "Appalachia-Lynch highway," leading from a point near the commissary at Laura mines to the Kentucky State line at the top of Black mountain, connecting there with the proposed highway through Harlan county, Kentucky. Provided, however, no such bonds shall be issued or sold hereunder until after a majority of the qualified voters of said magisterial district voting at such election shall have voted in favor of such bonds at an election called and held for the purpose pursuant to the provisions of general law for issuing county and district road bonds.

2. The said loan shall be effected by issuing bonds of the said county, signed by the chairman of the said board of supervisors, and countersigned by the clerk thereof, in denominations of one thousand dollars, payable in not exceeding thirty years after the date thereof, with coupons attached for the semi-annual payment of interest at a rate of interest not exceeding six per centum per annum; provided, however, that any or all of the bonds shall, by the terms thereof, be made redeemable at the discretion of the said board at any time

after the expiration of twenty years from the date of issue.

3. After issuing the bonds, provided for in this act, when the first levy is made by the board of supervisors, a tax shall be levied on all property, subject to local taxation in Richmond magisterial district in said county, to pay interest on bonds so issued and to create a sinking fund to redeem the principal thereof at maturity, and from year to year such levies shall be made on such property in said district until such debt, together with the interest thereon is paid, the said levy not to exceed the rate provided by law.

4. An emergency existing, this act shall be in force from its

passage.

CHAP. 394.—An ACT authorizing and requiring the board of supervisors of the county of Elizabeth City, under certain conditions to establish and equip a fire department for Wythe magisterial district therein, and to provide a water supply for fire fighting purposes.

[H B 478]

# Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That, subject to the provisions of this act, the board of supervisors of the

county of Elizabeth City shall establish for Wythe magisterial district therein, but not including any incorporated town therein which maintains its own fire department a volunteer or paid fire department and to equip the same with suitable, practical and proper fire fighting equipment and apparatus and to provide a sufficient water supply for

fire fighting purposes.

- 2. Upon the petition of ten per centum of the qualified voters of said district, excluding any incorporated town therein which maintains its own fire department, the circuit court of the said county, or the judge thereof in vacation, shall order an election to be held at the next succeeding general election, or if he deems it advisable a special election to take the sense of the qualified voters of said district excluding those of any incorporated town therein which maintains its own fire department, on the question whether the said board shall act under the preceding section of this act. The regular election officers of said county shall conduct said election and the time and manner of holding said election and the form of ballot to be used therein shall be prescribed by the said court, or the judge thereof in vacation. If a majority of the qualified voters of said district. voting in such election, shall vote in favor of action by the said board under the preceding section of this act, the said board, as soon as practicable shall proceed to carry out the said section. And when the next annual levy is laid by the said board, it shall lay a special levy on all property in said district taxable for district purposes, not in conflict with the general law, excluding property located within any incorporated town therein, which maintains its own fire department, for an amount sufficient for the purposes aforesaid. Such levy shall be increased or reduced according to the need thereof to carry out the purposes stated in section one of this act. In such election, if a majority of the qualified voters of the said district voting therein, shall vote against action by the said board under the preceding section of this act, then this act shall expire by limitation as of the date of said election is held.
- 3. The board of supervisors of Elizabeth City county after it shall have operated for more than five years such fire department under the provisions of this act, may abandon such organization hereunder by proceeding as follows: Upon the petition of ten per centum of the qualified voters of said district, excluding any incorporated town therein, which maintains its own fire department, the circuit court of said county, or the judge thereof in vacation, shall order an election to be held at the next succeeding general election, or if he deems it advisable a special election, to take the sense of the qualified voters of said district, excluding those of any incorporated town therein which maintains its own fire department, on the question whether said board shall continue to act under the preceding sections of this act, which said election shall be held in the same manner as the election hereinbefore provided for, and if a majority of the qualified voters of said district voting in such election shall vote in favor of the abandonment by the said board of the establishment and main-



tenance of said fire department, then this act shall likewise expire by limitation as of the date the said election is held.

4. An emergency existing, this act shall be in force from its passage.

CHAP. 395.—An ACT authorizing a school census in Bland school district of Prince George county, and the Fieldale district in Henry county, Virginia, to be in lieu of the regular quinquennial census taken in said district in 1920.

[H B 344]

Approved March 24, 1922.

1 Re it enocted by the general accombly

1. Be it enacted by the general assembly of Virginia, That the district school board of Bland school district in Prince George county, and the Fieldale district in Henry county, are hereby authorized to take as soon as may be after the passage of this act a census of all persons between the ages of seven and twenty years residing within such school district. The said census shall be taken in accordance with the provisions of section six hundred and fifty-three and six hundred and fifty-four of the Code of Virginia, and acts amendatory thereof, and shall be in lieu of the regular quinquennial census taken in nineteen hundred and twenty, and for the purpose of the equitable distribution of school funds.

CHAP. 396.—An ACT to amend and re-enact section 5 of an act of the general assembly of Virginia entitled an act to provide a new charter for the town of Pearisburg, Virginia, and to repeal all acts in conflict, approved March 21, 1914.

[H B 293]

Approved March 24, 1922.

- 1. Be it enacted by the general assembly of Virginia, That section five of an act of the general assembly of Virginia, entitled an act to provide a new charter for the town of Pearisburg, Virginia, and to repeal all acts in conflict, approved March twenty-first, nineteen hundred and fourteen, be amended and re-enacted so as to read as follows.
- Sec. 5. The council of said town shall have power to lay and levy a tax not exceeding one dollar on the one hundred dollars value of all property, real and tangible personal, in the said town, and a poll tax not exceeding fifty cents on each resident thereof, over the age of twenty-one years, to be expended as the council may direct, and the said town shall have like powers of distress and other process for the collection of its said taxes as are given for the collection of States taxes.
- 2. An emergency existing, this act shall be in force from its passage.



CHAP. 397.—An ACT to authorize and empower cities which have, by the latest United States census, over one hundred thousand inhabitants, to provide for the collection and payment into their treasury of fees for certain services rendered by their police justices either in criminal cases or in cases of violation of ordinances. [H B 206]

### Approved March 24, 1922.

- 1. Be it enacted by the general assembly of Virginia, That cities which have, by the latest United States census, over one hundred thousand inhabitants are authorized and empowered, through their respective councils, to provide, by ordinance, that the salaries paid their police justices shall be in full of all services rendered by them, and to provide that the police justices shall collect, in whole or in part, the fees as allowed by law for issuing warrants, trying or examining cases, and for admitting persons to bail, and to pay the sum so collected into their respective city treasuries.
- 2. The said cities may also provide and collect in the same way fees for similar services rendered in cases of violations of city ordinances.
- 3. But nothing herein contained shall allow the said police justices to collect fees out of the State treasury.

CHAP. 398.—An ACT to authorize the counties and cities of the State to establish county or city farms, and providing for the use of the same, and for the government and support of persons confined therein. [H B 94]

### Approved March 24, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of any county or the council of any city of this State may, within their respective jurisdiction or elsewhere, establish and maintain a farm where any pedson convicted of misdemeanor or violation of city ordinances, and sentenced to confinement in the jail of said county, or city, or to be confined for failure to pay any fine or cost as provided by law, may be confined and required to do such work as may be assigned him or her during the term of sentence aforesaid, under such rules and regulations as may be prescribed by the administrator of said farm.
- 2. Said city or county farm shall be under the supervision, control and management of the council in cities, and the said council may exercise said control either directly or through a farm board appointed for that purpose, said board to be composed of not less than three nor more than five men and women who shall serve without compensation and whose terms of office shall be so arranged that not all of them will expire in any period of two years; and, in counties said farm shall be under the supervision, control and management of a farm board to be appointed by the board of supervisors, said farm board to be constituted as in cities where farm boards are authorized by this section; provided, however, that in the event a



city or county farm shall be established and operated by two or more cities or counties jointly, that the method of control shall be determined by the councils and boards of supervisors of the cities and counties so establishing and operating said farm: and provided, further, that nothing in this act shall be construed to prevent the operation of such farm through the city sergeant or the county sheriff

if the governing body should so determine.

3. All prisoners convicted and sentenced as aforesaid shall be required to work on said farm unless for good cause shown the judge of the circuit court of the county or the judge of the corporation or hustings court of the city in whose jail the prisoner is confined, shall otherwise order, and provided, further, that any male prisoner so convicted and sentenced may, in the discretion of the judge aforesaid, be sent to work on said farm or the public roads as now provided by law, as will be for the best interest of the prisoner and the Commonwealth.

4. Any county or city that has no farm may enter into an agreement with some county or city maintaining such farm to receive and work all persons liable to confinement and work them as aforesaid, on such terms and conditions as to the payment of board, medical expenses and clothing as may be mutually agree upon by the board

of supervisors of the county or the council of the city.

5. With the consent of the county or city maintaining such farm, the State may commit any person liable to confinement and work on such farm to said farm, and shall pay said county or city maintaining such farm the fees and expenses now or hereafter allowed to jailors, which payment shall be made when approved and certified by the judge of the county or city owning said farm.

6. Said county or city farm may be used as a demonstrating farm by agreement between the State board of agriculture and the county

or city maintaining and operating said farm.

7. All expenses of maintaining said farm, supporting the prisoners worked thereon, including board, clothing and medical attention, shall be borne by the county or city owning such farm, except as herein otherwise provided.

8. All acts and parts of acts in conflict with this act are hereby

repealed.

9. A similar act having been omitted by inadvertence from the Code of nineteen hundred and nineteen, and several farm boards having been constituted under said act, and being now in operation, an emergency is declared to exist, and this act shall take effect from its passage.

CHAP. 399.—An ACT to amend and re-enact sections 2 and 19 of an act entitled an act to incorporate the town of Manassas, approved April 2, 1873, as heretofore amended.

[H B 318]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That sec-

tions two and nineteen of an act entitled an act to incorporate the town of Manassas, approved April second, eighteen hundred and seventy-three, as heretofore amended, be amended and re-enacted to read as follows:

Sec. 2. The government of said town shall be vested in a mayor and a council of nine members. The mayor and council shall be chosen by the qualified voters residing within the corporate limits of said town, at an election to be held on the second Tuesday in June, nineteen hundred and twenty-three, and every second year thereafter; and shall hold office for the term of two years, and until their successors are elected and qualified. The said election shall be held by two judges and one clerk, to be appointed by the electoral board for Prince William county, who shall be sworn to faithfully discharge their duties, and shall conduct such election as now provided for by law.

The returns of the election shall be made to the mayor, who shall issue certificates to those elected. All contests shall be tried and

finally determined by the council.

There shall be a meeting of the council on the first day of September succeeding the election, at which meeting the mayor and council shall qualify by taking the oath prescribed by law, unless such mayor and council shall have qualified prior to such meeting, and enter upon their duties, and shall continue in office until their successors are qualified. If any person elected or appointed to any office shall fail to qualify on or before the day on which he is required to enter upon the duties of his office, or shall fail to execute the bond required of him for ten days thereafter, the said office shall be declared vacant, and the vacancy shall be filled by the council.

Sec. 19. The council is authorized and empowered to raise and levy annually by assessment, on all male and female inhabitants of the town over the age of twenty-one years, and on all real and personal property in the said town and all subjects liable to taxation, such sums of money as it shall deem necessary, expedient and proper to defray the expenses of the said town and in such manner as it shall deem expedient and appropriate in accordance with the laws of the Commonwealth of Virginia, and of the United States, provided that the taxes on real and personal property shall not exceed one dollar and fifty cents upon the one hundred dollars of the assessed value thereof, and provided further, that the tax on each male and female inhabitant of the said town shall not exceed one dollar.

The council shall have the right to impose taxes and assessments upon abutting landowners for making and improving permanent streets abutting upon their property, and to collect the same as other taxes are collected, the said assessment, however, not to exceed one-half the cost of improving and making such permanent streets, one-fourth of the total cost to be paid by the respective abutting property owners on each side of such street, in proportion to the frontage of each.

Within the limitations prescribed by the general laws of the State

the council shall have power to require a license to be taken out by any person, firm or corporation, engaged in the pursuit of any business, occupation, trade or calling, or for any other purpose, whether the principal office, or place of business of such person, firm or corporation is located in said town, or not, for the benefit of said town, before such person, firm or corporation shall be permitted to pursue such business, occupation, trade or calling within the corporate limits of the said town or within one mile from said corporate limits, and may require a license of any agent, owner or keeper of wagons, drays, carts, hacks, or other wheeled vehicles, kept or employed in said town or within one mile of its corporate limits, for hire or as carrier for the purpose, whether the same be run by animals, or by gasoline, oil, electricity or other power, and may subject the same to such regulations as they may deem proper; and, in addition, within the limitations prescribed by the general laws of the State the council may impose a license tax on any business, trade or thing carried on or done in the town or within one mile of its corporate limits, whether a license tax is required thereof by the State or not. Within the limitations prescribed by laws of this State and of the United States, the council may impose a license tax on any person, firm or corporation doing business in the town of Manassas, whether the principal office of such is located in the town or not, and upon the agent of any oil or fertilizer company, or any stock or security salesman, or salesman selling real estate, no matter where the principal office is located; and shall have the right to refuse to issue license to any person, firm or corporation, for any business or occupation, if, in its opinion, such business or occupation is carried on in such manner as to be inimical to the public welfare.

There shall be set apart annually, from the revenues of the town, a sinking fund equal to not less than one per centum of the aggregate outstanding debt of the town, which, by its terms, is not payable in one year, and the council may, in its discretion, annually, from time to time, set aside such additional sinking fund as may be deemed proper.

All ordinances of the town must, before becoming effective, be enacted by a majority vote of the council, and be approved by the mayor, and if disapproved by the mayor, shall become effective, only upon the affirmative vote of the council by at least six members

thereof entered of record.

The council is empowered to prevent the coming into the town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town; and for this purpose may require any railroad company, or stage company, bringing such persons into the said town, to enter into bond with satisfactory security that such person or persons shall not become chargeable to the town for the period of one year thereafter, or may require and compel said company to take them back from whence they came, and to compel said persons to leave the town, provided that such order to leave be issued within thirty days after their arrival.

The mayor or council may prohibit any theatrical or other performance, show or exhibition within said town, or within one mile of its corporate limits, which may be deemed injurious to morals or good order.

The council may by ordinance impose punishment for any offense

for which a punishment is imposed by the State of Virginia.

The fiscal year for the town shall be from the first day of September to the thirty-first day of August of the following year.

2. An emergency existing, this act shall be in force from its passage.

CHAP. 400.—An ACT to amend and re-enact sections 13 and 37 of an act entitled an act to provide a new charter for the town of Liberty, to extend its limits and change its name to Bedford City, Virginia, approved March 3, 1890; and to change the name of the town of Bedford, as amended and re-enacted by an act approved March 12, 1912.

[H B 317]

# Approved March 24, 1922,

1. Be it enacted by the general assembly of Virginia, That sections thirteen and thirty-seven of an act entitled an act to provide a new charter for the town of Liberty, to extend its limits and change its name to Bedford City, as amended and re-enacted by an act approved March twelfth, nineteen hundred and twelve, be amended and re-enacted so as to read as follows:

Section 13. In addition to the powers conferred by other general statutes, the council of the town shall have power to lay off streets, walks, or alleys; alter, improve and light the same, and have them kept in good order; to lay off public grounds and provide all buildings proper for the town; to provide a prison house and workhouse, and employ managers, physicans, nurses and servants for the same, prescribe regulations for their government and discipline, and for persons therein; to prescribe the time for holding markets and regulate the same; to prevent injury or annoyance from anything dangerous, offensive or unhealthy, and cause any nuisance to be abated; to regulate the keeping of gun powder or other combustibles, and provide magazines for the same; to provide places for the interment of the dead near the town; to acquire or otherwise obtain control of or establish, maintain, operate, extend and enlarge water works, gas works, electric plants, and other public utilities within or without the limits of the town, for the purpose of supplying the consumers within the town of Bedford, and without the town, in the county of Bedford, with water, gas, lights, power, et cetera, and for the public use and for such other purposes as are permitted by the laws of the State; to acquire within or without the limits of the town by purchase, condemnation or otherwise whatever land may be necessary for acquiring, locating, establishing, maintaining, operating extending, or enlarging said water works, gas works, electric plants and other public utilities, and the rights of ways, rails, pipes, poles, conduits or wires connected therewith, or any of the fixtures or appurtenances thereof; to keep on hand, sell and supply to customers of its electric plant and water works, without profit to the town, motors, lamps, electric fixtures, heating devices and other materials or supplies used by customers of electric power or water; to lease or own, operate or maintain, rock quarries for the purpose of obtaining material for use upon the public places or works of the town; to prevent the pollution of water and injuries to water works, for which purpose its jurisdiction shall extend to five miles above the same; and to protect from injury, by ordinances prescribing adequate penalties and by prosecution in the State courts, and pipes, poles, wires, fixtures, land or other things used in connection with the water works, electric plant or other public utility; to make, erect and construct, within or without said town, drains, sewers and public ducts, and to acquire within or without said town by purchase, condemnation or otherwise, so much land as may be necessary to make, erect, construct, operate and maintain the same; to make regulations concerning the building of houses in the town, and in its discretion to establish and maintain parks, playgrounds, and boulevards, and cause the same to be laid out, equipped or beautified, and in particular districts, or along particular streets, to prescribe and establish building lines, or to require property owners in certain localities or districts to leave a certain percentage of lots free from buildings, and to regulate the height of buildings; to make regulations for the purpose of guarding against danger from accidents by fire, and, on the petition of the owners of not less than two-thirds of the ground included in any square, to prohibit the erection in such square of any building, or an addition to any building more than ten feet high, unless the outer walls thereof be made of brick and mortar or stone and mortar, and provide for the removal of any building or addition erected contrary to such prohibition; to provide for the weighing or measuring of hay, coal, or any other articles for sale, and regulate the transportation thereof through the streets; protect the property of the town and its inhabitants, and preserve peace and good order therein. The council of the town may, in its discretion, authorize or require the fire department thereof to render aid in cases of fire occuring beyond its limits, and may prescribe the conditions on which such aid may be For carrying into effect these and its other powers, it may make ordinances and by-laws, and prescribe fines or other punishment for violation thereof, keep a town guard, maintain a chain-gang, appoint a collector of its taxes and levies, and such other officers as it may deem proper, define their powers, prescribe their duties and compensation, and take from any of them a bond, with sureties, in such penalty as to the council may seem fit, payable to the town by its corporate name, and with condition for the faithful discharge of the said duties.

The council may make appropriations of public funds, of personal property, or of any real estate, to any charitable institution or association, located within the limits of the town; provided such institution or association is not controlled in whole or in part by any



church or sectarian society. But the words "sectarian society" shall not be construed to mean a non-denominational young men's Christian association, or a non-denominational women's Christian association.

All fees, penalties and imprisonments shall be recovered or enforced under the judgment of the mayor, or the person exercising his functions, for the benefit of the town, and in the case of the failure to pay any fine or costs imposed by such judgment, the offender may, in the discretion of the mayor or other officer, be required to work the same out upon the public works of the town.

Section 37. The council of the town shall annually cause to be 'made up and entered on its journal an account of all sums lawfully chargeable on the town which ought to be paid within one year, and order a town levy of so much as in its opinion is necessary to be raised in that way, in addition to what may be received for licenses and from other sources. The levy so ordered may be upon all persons in the town above the age of twenty-one years, and upon the property therein, and on such other subjects as may at the time be assessed with State taxes, except such subjects as cities and towns are forbidden by general law to impose taxes upon or require licenses of. The council may add penalties for the failure of any person to pay taxes at the time provided for by ordinance; and there shall be a lien for all taxes assessed, which may be enforced in a method to be prescribed by the council, provided the same is not in conflict with the general law.

The council may by a two-thirds vote of the entire council exempt real and personal property used for manufacturing or other enterprises from all taxes for municipal purposes for a period not exceeding ten years, if it shall deem it expedient to do so in order to encourage the establishment of such manufacturing or other enter-

prises in the town.

CHAP. 401.—An ACT to authorize the town of Front Royal to issue bonds in a sum not exceeding \$25,000.00, and expend the proceeds arising from the sale thereof, or so much as may be necessary for the enlargement, improvement, repair and maintenance of the electric lighting plant and water system now owned by said town; and to provide by proper tax levy or appropriation for the payment of interest on the bonds so issued and to create a sinking fund to retire said bonds at maturity. [H B 522]

# Approved March 24, 1922.

Be it enacted by the general assembly of Virginia, That the council of the town of Front Royal be, and it is hereby, authorized to issue the bonds of said town in a sum not exceeding twenty-five thousand dollars, in such denominations as the said council may determine, said bonds to be payable thirty years from the date of issue, with interest from date at a rate not exceeding six per centum per annum, which interest shall be payable semi-annually at the office

of the treasurer of the said town upon surrender of the proper coupon evidencing said semi-annual interest. The said bonds, or any portion thereof, shall be redeemable at the option of the said town at any time after the expiration of ten years from the date of the issuance of said bonds, upon giving to the holder or holders of the bonds so determined to be redeemed thirty days written notice, which notice shall be addressed to the last known post office of the holder or holders of the bonds so elected to be redeemed, or, in the discretion of the council, after four weeks publication of its election to redeem (once a week for four successive weeks) in some newspaper published in Warren county. The proceeds arising from the sale of said bonds shall be expended solely for the purpose of enlarging, improving, repairing, and maintaining the electric lighting system and water system now owned by said town.

The said bonds when issued shall be signed by the mayor of said town, the corporate seal affixed and attested by the town recorder; the coupons attached to said bonds evidencing the semi-annual interest shall be signed by the mayor of said town, but the corporate seal need not be affixed nor the same attested by the town recorder.

Authority is hereby given the council of the said town to provide by proper tax levy, not in conflict with general law, for the payment of the interest on the bonds issued hereunder and for the creation of a sinking fund to retire said bonds at maturity or any redemption period.

In view of the fact that funds are now needed for the purpose of enlarging, improving, repairing and maintaining the electric lighting plant and water system belonging to said town, an emergency is declared to exist and this act shall be in force from its passage.

CHAP. 402.—An ACT to amend and re-enact an act entitled an act to authorize the school board of Bellefonte school district, of the county of Nottoway, Virginia to borrow money for the purpose of erecting a high school building at Blackstone in said district, and to issue bonds therefor not to exceed the sum of forty thousand dollars in amount, approved March 19, 1920, and to increase the amount of bonds authorized by said act to sixty thousand dollars.

[H B 203]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to authorize the school board of Bellefonte school district, of the county of Nottoway, Virginia, to borrow money for the purpose of erecting a high school building at Blackstone in said district, and to issue bonds therefor not to exceed the sum of forty thousand dollars in amount, approved March nineteenth, nineteen hundred and twenty, be and is hereby amended and re-enacted as follows: to-wit:

Section 2. The school board of Bellefonte school district, of the county of Nottoway, State of Virginia, be and is hereby authorized and empowered to borrow money not to exceed the sum of sixty

thousand dollars, the proceeds of such loan to be used for erecting

a high school building at Blackstone in said district.

Section 3. The said school board may issue bonds not to exceed the sum of sixty thousand dollars, to bear interest not to exceed six per centum per annum, payable semi-annually, with or without interest coupons attached thereto, and the principal thereof to be paid thirty years after date thereof, but the said school board shall have the right to redeem at par and accrued interest one-sixth of said bonds at the end of each five year period from the dates thereof by giving thirty days written notice to the holder or holders thereof at the place of payment.

Section 4. Said bonds shall be signed with the name of said school board by its chairman and its corporate seal thereto affixed and attested by its clerk, and the coupons shall be signed with the name of said school board by its chairman, and attested by its clerk, but the name of said school board, its corporate seal, and the fac simile signatures of its chairman and clerk may be engraved or printed on said bonds and coupons if so authorized by said school board.

Section 5. Said bonds and coupons shall be in such form as may by resolution be prescribed by said school board, and made payable to some designated person or to bearer, and at such place or places as said school board may likewise by resolution prescribe and direct,

and may be registered as to principal.

Section 6. The said bonds shall be in denomination of one hundred dollars or multiples thereof, and in making sale of same in accordance with the provisions of this act, such bonds shall in no event be sold for less than par and accrued interest.

Section 7. The bonds authorized by the act shall not be issued unless and until the board of supervisors of Nottoway county has by appropriate action approved and authorized the issue of the same.

Section 8. The board of supervisors shall annually levy a special tax on all the property in such district subject to taxation for district school purposes sufficient to pay the interest on the bonds issued under authority of this act, and to create a sinking fund of not less than two per centum per annum for the payment of the principal at maturity. Such sinking fund shall be used in the retirement of the bonds authorized, or invested in said bonds, or invested in such other securities as the said school board may, with the approval of the division superintendent of schools for said county, select.

Section 9. The said school board shall annually report to the board of supervisors of the county of Nottoway the amount of the debt evidenced by said bonds outstanding, and the amount and con-

dition of the sinking fund.

Section 10. An emergency existing, this act shall be in force from its passage.

CHAP. 403.—An ACT to create a State highway commission; to provide for a chairman thereof; and to prescribe the powers, duties and the compensation of the commission and chairman; and to provide for a State highway commissioner; to create road construction districts; to provide for the apportionment among them of road construction funds, and to provide for road construction, improvement, maintenance and preservation, also to repeal sections 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1974 and 1975 of the Code of Virginia, and to repeal an act entitled an act to amend and re-enact an act entitled an act to establish a State highway commission; to define its powers and duties; the term of office, salary and qualifications of the commissioner; to authorize the commission to call into consultation the professors of engineering in certain State institutions, and appropriating money to carry the provisions of this act into effect, approved March 6, 1906; to provide for the appointment of a commission, and fixing their term of office; to give to said commission the power of eminent domain, the power to make and enforce rules and regulations governing the traffic and use of the State highway system, not in conflict with the laws of this State, and to prescribe penalties for the violation of such rules and regulations, approved September 5, 1919, and to repeal all other sections of the Code and acts or parts of acts inconsistent with this act.

### Approved March 24, 1922.

Be it enacted by the general assembly of Virginia, as follows: Section 1. State highway commission created, number, terms and qualifications of members; to provide for the chairman thereof; compensation of members; meetings; quorum.—A commission is hereby created to be known as the State highway commission, which shall consist of five members, who shall be appointed by the governor, subject to confirmation by the Senate, and who shall be removable from office during their respective terms by the governor at his pleasure. The first appointments under this act shall be made to take effect on July first, nineteen hundred and twenty-two, and shall be for terms, as follows: One for a term of one year, two for a term of two years and two for a term of four years. Subsequent appointments shall be for a term of four years. Vacancies shall be filled by the governor for the unexpired term and shall be effective until fifteen days after the next meeting of the ensuing general assembly. Members of the commission shall be chosen so as to give representation to each of the five grand geographical divisions of the State; provided, that the chairman of said commission may, at the time of his appointment, be a non-resident of Virginia, and in case of the appointment of such nonresident he shall be accredited to that grand division of the State in which the city of Richmond is located. One of the members of the commission to be designated by the governor shall be the chairman thereof and shall be a practical business man, and for the purpose of this act shall be hereinafter referred to as chairman, and whose official title shall be "Chairman of the Highway Commission." He shall devote his entire time and attention to his duties, and shall receive such compensation as shall be fixed by the governor, subject to the approval of the commission, payable semi-monthly, and his actual traveling expenses while engaged in the discharge of his duties. The members of the commission, other than the chairman



thereof, shall each receive ten dollars per diem and their actual expenses while engaged in the work of the commission; but no such member of the commission shall receive in excess of one thousand dollars and actual expenses in any one year. The State highway commission shall meet at least once in every three months, and at such other times, on the call of the chairman, as may be deemed necessary to transact such business as may properly be brought before it. Three members shall constitute a quorum of the commission for all purposes. The main office of the commission shall be located in the city of Richmond, and the first meeting be held as soon as practicable after the appointment of the members thereof.

Sec. 2. State highway commissioner and other employees.—The chairman shall appoint a citizen of the United States, who shall be a civil engineer and well versed in road building, as State highway commissioner, whose term of office shall be for a period of four years, beginning on July first, nineteen hundred and twenty-two. After April first and before July first of every fourth year thereafter, the chairman shall appoint a State highway commissioner for a like term, which shall begin on the first day of July following his appointment. In the event of a vacancy occurring during the commissioner's term of office, it shall be filled by the chairman for the unexpired term. The State highway commissioner shall be removable by the chairman, at his pleasure, by and with the approval and consent of the governor. He shall receive such a salary as may be fixed by the commission, with the approval of the governor, provided said salary shall be not less than five thousand dollars per annum and his necessary traveling expenses while engaged in the performance of his duties, said salary to be payable in semi-monthly installments. The commission shall prescribe and fix the duties of the commissioner and shall provide him with offices and sufficient equipment to discharge his duties. The State highway commissioner shall employ such engineers and employees necessary to carry on the construction and maintenance of the roads embraced in the State highway system and State aid work of the department, subject to the approval of the commission; and shall prescribe and fix their duties and who shall be employed during the pleasure of the State highway commissioner. The chairman shall employ such other clerks, assistants and employees as may be needed, and shall prescribe and fix their duties. Such engineers, clerks, assistants and employees shall receive such salaries and expenses as may be fixed by the commission, subject to the approval of the governor. In the discretion of the chairman, such offices may be established in the various construction districts of the State as may be necessary or needful to carry out the provisions of this act.

Sec. 3. Oath and bonds of commission and commissioner.—The State highway commissioner and the members of the State highway commission shall each, before entering upon the discharge of his duties, take an oath that he will faithfully and honestly execute the duties of the office during his continuance therein, and each shall give a bond in such penalty as may be fixed by the governor conditioned upon the

faithful discharge of the duties of his office, and the full and proper accounting for all public funds and property coming into his possession or under his control. The premium on said bonds shall be paid out of the State highway fund.

Sec. 4. Salaries and expenses; how paid.—All salaries and expenses shall be paid from the State highway fund. Warrants for such salaries and expenses shall be issued by the auditor of public accounts on certificates of the chairman to the parties entitled thereto, and shall be paid by the State treasurer out of the funds appropriated for that purpose.

Sec. 5. General powers and duties of the State highway commission.—The State highway commission shall be vested with the follow-

ing powers and duties:

To locate and establish the routes to be followed by the roads comprising the State highway system between the points designated in the act establishing said system; but where the route has already been located and established in pursuance of law, no change shall be made in such route by the commission; provided that appeals under section four, chapter thirty-two of acts of nineteen hundred and nineteen, pending or allowable on July first, nineteen hundred and twenty-two, shall be heard by the commission created by this act. The commission, however, shall not locate and establish any such route unless and until thirty days' written notice of its proposed action shall have been given to clerk of the circuit court of the county in which the route to be located and established, or any part thereof, is situated, and also unless and until such notice shall have been published at least once in a newspaper published in said county or counties, or in some newspaper having general circulation therein, not less than thirty days before the proposed action of the commission, and until a local hearing shall have been had by the commission, if the same be requested. mediately upon the receipt of such notice, the clerk shall notify the board of supervisors and the local road authorities of such county.

Within thirty days after the filing of said report with the clerk of the court, the board of supervisors, or local road authorities of said county, or any fifty or more freeholders thereof, may apply to the commission for a rehearing of said decision, locating and establishing any such route and the commission shall thereupon, within a reasonable time, hear said application and its decision on said rehearing shall

be final.

To let all contracts for the construction, improvement and main-

tenance of the roads comprising the State highway system.

To make rules and regulations, not in conflict with the laws of this State, for the protection of and covering traffic on and use of the State highway system and the rules and regulations so prescribed shall have the force and effect of law, and any person, firm or corporation violating any such rule or regulation shall be guilty of a misdemeanor, and upon conviction be fined not less than five dollars nor more than one hundred dollars for each offense. Such person shall also be civilly liable to the Commonwealth for the actual damage sustained by the

Commonwealth by reason of his wrongful act, which damages may be recovered at the suit of the State highway commission, and when collected, paid into the State treasury to the credit of the State highway fund. Said rules and regulations shall be printed by the commission and two copies thereof mailed forthwith to the clerk of every court of record, one of which copies shall be posted immediately upon receipt by the clerk at the front door of his courthouse, and the other copy retained in his office for the information of the public, but no such rules and regulations shall become effective until sixty days shall have elapsed following their adoption by the commission. In order properly to enforce such rules and regulations, the commission is given the power to designate and appoint any or all of the employees of the commission special policemen with the powers of a sheriff for the purpose aforesaid. Until such rules and regulations provided by this section are made and promulgated, the rules and regulations adoped by the State highway commission May twenty-fifth, nineteen hundred and twenty, under the provisions of section four, chapter thirty-one, acts of nineteen hundred and nineteen, shall be in force.

To give suitable names to State highways and change the names of any highways forming a part of the State highway system, except such roads as have been, or may hereafter be, named by the general assembly.

To comply fully with the provisions of the present or future Federal aid acts. The said commission is hereby authorized to enter into all contracts and agreements with the United States government relating to the survey, construction, improvement and maintenance of roads under the provisions of any present or future congressional enactment, to submit such scheme or program for construction or maintenance as may be required by the secretary of agriculture, or otherwise provided by Federal acts, and to do all other things necessary to carry out fully the co-operation contemplated and provided for by present or future acts of Congress for the construction, improvement and maintenance of rural post roads.

It shall be the duty of the commission to keep accurate minutes of all meetings of the commission, in which shall be set forth all acts and proceedings of the commission in carrying out the provisions of this act.

After July first, nineteen hundred and twenty-two, the commission shall have the power during each calendar year, including the year nineteen hundred and twenty-two, to add to the State highway system, road mileage not exceeding two and one-half per centum of the total mileage of said system, as now established, but said power to so add to the system shall not be cumulative.

At the first meeting of the commission, after it shall have concluded to make any such addition to the State highway system, an order shall be entered by the commission on its minute books, in which shall be set forth the terminal points of such addition, the mileage embraced therein, and a general description of the route thereof, and the fact that

the same has been added to, and shall thereafter be a part of the State highway system.

To gather and tabulate information and statistics on road building, maintenance and improvement, and to disseminate the same throughout the State through farmers' institutes, the Virginia Good Roads Association, and the bulletins of the department of agriculture, or other-

Sec. 6. General powers of the chairman; maintenance of State roads; patrol force.—Except such powers as are conferred by law upon the State highway commission, the chairman shall have plenary powers for constructing, improving and maintaining the roads embraced in the State highway system. And as executive head of the highway department, the chairman is specifically charged with the duty of executing all orders and decisions of the commission, and power is given him, subject to the provisions of this act, to require that all appointees and employees perform their duties under this act. All roads embraced within the said system are hereby taken over for maintenance by the State, and the chairman shall, as soon as practicable, cause to be organized a proper and sufficient patrol force to keep said roads in good condition. The chairman may recommend to the local road authorities of any county, and to the governor, needed improvement in the public roads and he shall supply technical information on road building to any citizen or officer of the State on application.

The chairman shall, with the aid and advice of the State accountant. cause to be installed a complete and modern system of bookkeeping for the highway department, and books to be kept by said department shall show in detail all receipts and disbursements of the department, the source of said receipts, and the purpose, amount and reci-

pient of all disbursements.

Sec. 7. Construction districts; allocation of funds.—The commission shall divide the State into not less than eight construction districts.

Work in each of the construction districts shall be started as simultaneously as practicable, and continued in each district. The State highway commission shall annually and as nearly as possible make an equitable apportionment among the various construction districts, of the available construction funds. The funds for each year shall, as far as practicable, be allotted by April the first of each year, and public announcement made of such allotment, but the commission shall not approve such allotment until after a public hearing, at which political subdivisions of the State and interested citizens may be heard.

Advertising for bids.—All contracts, except in cases of emergency, over five thousand dollars that the commission may let for construction, or any other kind of work necessary to carry out the provisions of this act, shall be let after public advertising. mission shall advertise for bids for said work at least twenty days prior to the letting of any contract therefor. The advertisement shall state the place where bidders may examine the plans and specifications, and the time and place where bids for said work will be opened by the commission. Each bidder shall accompany his bid with a certified check, payable to the State treasurer, for a reasonable sum to be fixed by the commission, as a guarantee that if the contract is awarded to him, he will enter into a contract with the commission for the construction of the road, or for the doing of the work mentioned in the The contract shall be let to the lowest responsible bidder for the particular work covered in the bid, and the successful bidder shall enter into a bond, payable to the Commonwealth of Virginia, in the sum of at least thirty per centum of the estimated cost of the work, which bond must be approved by the chairman, and conditioned upon the faithful performance of the work in strict conformity with the plans and specifications for the same, which bond shall be kept on file in the office of the State highway commission. The commission is authorized to reject any and all bids. In the event that all bids are rejected the commission shall advertise for new bids as in the first instance. All bids filed with the commission and all contracts awarded by it shall be kept on file in its office and be public records, subject to inspection at all times, provided, however, that the commission may, in its discretion, build or maintain, by force account, any of the roads in the State highway system.

Sec. 9. Contracts.—Every contractor whose bid is accepted shall, before commencing work, enter into a contract with the chairman, which contract shall fully set out the time when work shall commence, and when the contract shall be completed, as well as the time and manner for the payment for the work, and the chairman shall require that a fixed percentage of the contract price, or a certain fixed sum, shall not be paid to the contractor until after the expiration of some certain date, to be fixed by the chairman, from the completion of the work and the acceptance thereof.

Sec. 10. Eminent domain.—The chairman is hereby vested with the power of eminent domain in so far as may be necessary for the construction, reconstruction, alteration, maintenance and repair of the roads embraced in the State highway system, and for these purposes and all purposes incidental thereto, may condemn rights-of-way of such width and on such routes and grades as by said chairman may be deemed requisite and suitable; and lands, quarries, and locations, with rights of ingress and egress, containing gravel, clay, sand, stone, rock, timber, and any other road materials deemed useful or necessary in carrying out the purposes aforesaid.

Proceedings for condemnation hereunder shall be instituted and conducted in the name of "the chairman of the highway commission of Virginia," and the procedure shall, except in so far as altered hereby, be mutatis mutandis the same as is prescribed by law for railroad corporations, and the rights of all persons affected shall be subject to the general laws of this State in so far as the same may be applicable under the general purposes of this act, and except as hereby altered or modified.

The proceedings for condemnation shall be by petition to the circuit court of the county in which the land, property and rights or

the major portion thereof sought to be acquired are located, or to the judge of such court in vacation, which petition shall set forth with reasonable particularity a description and designation of the interests, rights and property intended to be taken, the name or names of the landowners whose property is to be taken or affected, and such other facts as may be deemed necessary by the chairman to give full information to the court and all persons in interest, and shall be certified by oath of the chairman or by his duly authorized agent or attorney.

Upon the return of the report of the commissioners or viewers appointed in such proceedings the sum ascertained thereby as compensation or damages to the property owners may be paid to the person or persons entitled thereto, or for them into court or to the clerk thereof, upon which title to the property and rights condemned shall vest in the Commonwealth of Virginia in fee simple, or to such extent as may be prayed for in the petition, and the chairman shall have the right to enter upon such construction upon or use of the property and rights condemned as may be authorized by said report, provided the right of appeal from or review of said report on exception thereto is hereby given to the property owner, or to the chairman, to the circuit court, on the question only of damages or compensation.

The chairman, however, without the institution of condemnation proceedings, may take from the most convenient lands so much wood, stone, gravel, earth or other material as may be necessary to be used in the construction, reconstruction and maintenance of any of the roads and bridges embraced in the State highway system. If the owner or tenant of any such land shall deem himself injured thereby and the chairman or his agent can agree with such owner or tenant as to the amount of damage caused by said taking, they shall pay said damage to the owner or tenant, as the case may be, but if an agreement cannot be reached, then a justice of the peace in the county wherein the land is situated shall, upon application to him by said owner or tenant, issue a warrant to three freeholders of said county requiring them to view the said land and ascertain and report what is a just compensation to such owner or tenant for the damage done to him by such taking. The said freeholders, after being sworn, shall ascertain such compensation and report the same to the chairman or his duly authorized agent. The chairman may thereupon allow the full amount so agreed upon or reported by said freeholders, or so much thereof as to him may seem reasonable, subject to the right of such owner or tenant to appeal to the circuit court of the county wherein the land lies, as in other cases.

In addition to the exercise of the power of eminent domain as provided by the preceding part of section ten of this act, the chairman is hereby authorized to enter upon and take possession of such rights-of-way for the purposes set out in section ten of this act, as the chairman may deem necessary, and proceed with the construction of such highway. Within sixty days after the completion of the construction of such highway, if the chairman and the owner or owners of such lands are unable to agree as to compensation and damages, if



any, caused thereby, the said chairman shall institute condemnation proceedings as provided by section ten of this act; and the amount of such compensation and damages, if any, awarded to the owner in such proceedings shall be paid out of the State highway fund, the said chairman to pay to the landowner or into court for his benefit such sum as he shall estimate to be the fair value of the land taken and damage done, before entering upon such land for construction purposes, provided such payment shall in no wise limit the amount to be allowed under proper proceedings. It is the intention of this section to provide that such rights of way may, in the discretion of the chairman, be condemned after the construction of the highway as well as prior thereto, and to direct the fund out of which the judgment of the court in condemnation proceedings shall be paid, and to provide that in all other respects the provisions of section ten of this act shall apply, whether the rights of way are condemned before or after the construction of the highway, but the authorities constructing such highway, under the authority of this paragraph, shall use diligence to protect growing crops, pastures, and to prevent damage to any property So far as possible all rights of way shall be acquired or contracted for, before any route is definitely located. But this section is subject to the following qualifications: That the chairman shall not, under the provisions hereof, in the construction of any road not now under construction, invade the dwelling house of any person, or any space within sixty feet thereof, without the consent of the owner, except when it is decided by the court confirming the report of the commissioners (appointed to ascertain the value of the land or other property, or the interest or estate therein, to be taken) that it would otherwise be impracticable without unreasonable expense, to construct any such road.

Sec. 11. Repair of road detour.—It shall be mandatory upon the chairman to select, lay out, maintain and keep in as good repair as possible suitable detours, by the most practical route, while said highways or roads are being improved or constructed, and it shall be mandatory upon the said chairman to place or cause to be placed explicit directions to the traveling public during repair of said highway or road under process of construction. Provided, however, that as far as practicable roads already laid out shall be connected with and used for such detours.

The chairman is hereby authorized to enter into agreements with the local road authorities of the county or counties in which construction or maintenance work is to be done, to pay all or any part of the cost of laying out and maintaining said detours. All expense to the State of laying out and maintaining said detours shall be paid out of the State highway fund.

Sec. 12. Closing State highways during construction; injury to barriers, warning signs, et cetera.—If it shall appear necessary to the chairman to close any road or highway coming under his jurisdiction so as to permit of proper completion of work which is being performed, such chairman may close, or cause to be closed, the whole or any

portion of such road or highway deemed necessary to be excluded from public travel. While any such road or highway, or portion thereof, is so closed, or while any such road or highway, or portion thereof is in process of construction or maintenance such chairman or contractor, under authority from such chairman, may erect, or cause to be erected, suitable barriers or obstructions thereon, may post, or cause to be posted, conspicuous notices to the effect that the road or highway, or portion thereof, is closed, and may place warning signs, lights and lanterns on such road or highway, or portions thereof. When such road or highway is closed to the public or in process of construction or maintenance, as provided herein, any person who wilfully breaks down, drives into new construction work, removes, injures or destroys any such barrier or barriers, or obstructions, on a road being constructed, or tears down, removes or destroys any such notices, or extinguishes, removes, injures or destroys any such warning lights or lanterns so erected, posted or placed, shall be guilty of a misdemeanor.

Sec. 13. Annual reports.—The State highway commission shall submit to the governor in writing on or before the first day of December of each year a report of its acts and doings for the preceding year, and at such other times as the governor may request. Such report may also contain the recommendation of the commission as to changes in the State highway system, and such other recommendations as to roads and road legislation as it may deem proper to make. There shall be appended to every such report the annual report of the chairman, which he is hereby directed to make, and which shall contain a detailed statement of the work done by him during the preceding year and an itemized account of all expenditures for the same period. The reports required by this section shall be biennially transmitted by the governor to each house of the general assembly as soon as possible after the opening of the regular session thereof.

Sec. 14. Effect if part of act declared unconstitutional.—If any section or provision of this act, or any part of any section, shall be declared unconstitutional by the supreme court of appeals of Virginia, or the supreme court of the United States, the part so declared unconstitutional shall cease to be operative, but the remainder of the act and every section or part thereof not so declared unconstitutional shall continue to be the law of this State.

Sec. 15. Laws repealed.—Sections nineteen hundred and sixty-two, nineteen hundred and sixty-three, nineteen hundred and sixty-four, nineteen hundred and sixty-five, nineteen hundred and sixty-six, nineteen hundred and sixty-seven, nineteen hundred and sixty-eight, nineteen hundred and sixty-nine, nineteen hundred and seventy-four and nineteen hundred and seventy-five of the Code of Virginia, and an act entitled an act to amend and reenact an act entitled an act to establish a State highway commission, to define its powers and duties; the term of office, salary and qualifications of the commissioner; to authorize the commissioner to call into consultation the professors of engineering in certain State



institutions, and appropriating money to carry the provisions of this act into effect, approved March sixth, nineteen hundred and six; to provide for the appointment of a commission, and fixing their term of office; to give to said commission the power of eminent domain; the power to make and enforce rules and regulations governing the traffic on and use of the State highway system, not in conflict with the laws of this State, and to prescribe the penalties for the violation of such rules and regulations, approved September fifth, nineteen hundred and nineteen, and all other sections of the Code and acts or parts of acts inconsistent with this act are hereby repealed. Wherever the words "State Highway Commission" or "State Highway Commissioner," or other words denoting either, appear in any statute heretofore enacted and not repealed, the same shall be construed to mean the State highway commission or the chairman, as the case may be, provided for by this act, and the terms of office of the present State highway commissioner and the members of the State highway commission who may be in office on June thirtieth, nineteen hundred and twenty-two, under appointments made in pursuance of previous enactments, shall expire on that date.

CHAP. 404.—An ACT to provide for a special police force in certain counties, prescribing the manner of their appointment and removal, providing for their compensation and defining their powers and duties. [H B 88]

## Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, as follows: Sec. 1. Sheriffs may appoint special police; their pay, etc.; how allowed and paid.—In every county of the State having a population of thirty thousand or more and adjoining one or more cities having a population of one hundred thousand or more in the aggregate, the sheriff may, if deemed advisable, appoint a special police force for so much of said county as is not embraced within an incorporated town located in such county, to consist of one or more suitable and discreet persons, who shall serve as such for such length of time as the said sheriff may designate, or until others are appointed in their place. Such person or persons so appointed shall be conservators of the peace in their respective counties. The sheriff may, if deemed proper, allow compensation to said police, to be approved by the judge of the circuit court, which, together with any expense incurred in the execution of their duties, shall be paid out of the county levy.

Sec. 2. May remove any of them and appoint others.—The sheriff may, at any time, remove any or all of such police, and appoint others, and may fill any vacancy that may occur in said police force, or may

add to the number theretofore appointed.

Sec. 3. Removal from county creates vacancy; how filled.—The removal from the county in which he was appointed, shall vacate the office of such person so appointed, or he may resign or decline appointment; and thereupon the vacancy shall be filled by the sheriff.

Sec. 4. Commonwealth's attorney to approve; commissioner to cast deciding vote in case of disagreement.—All appointments of police made by the sheriff, both original and to fill vacancies, their removal and the fixing of their compensation, shall be subject to the approval of the attorney for the Commonwealth, and in the event the sheriff and the attorney for the Commonwealth cannot agree, a commissioner, to be appointed annually by the judge of the circuit court of such county, shall cast the deciding vote.

Sec. 5. Bond of police.—Before entering upon the duties of their office the persons so appointed shall give bond in the penalty of five hundred dollars with approved security before the county clerk with

condition faithfully to discharge their official duties.

Sec. 6. Their authority, etc., confined to limits of county; what, evidence of their office.—The jurisdiction and authority of said police shall extend no further than the limits of the county in which they are appointed, and a copy of the order of appointment made by the sheriff, attested by the clerk of such court, shall in all cases be received as evidence of their official character.

Sec. 7. Their duties and powers.—It shall be the duty of said police to apprehend and carry before a justice, to be dealt with according to law, all persons whom they may be directed by the warrant of a justice to apprehend, or whom they have cause to suspect have violated, or intend to violate any law of the State; and they may execute any search warrant issued by a justice of their county under sections forty-eight hundred and nineteen and forty-eight hundred and twenty of the Code of Virginia. If such property as is mentioned in said sections be found, the police shall proceed as an officer acting under chapter one hundred and ninety-one of the Code of Virginia, and they shall have the same authority as a justice to require any person to aid in making an arrest.

CHAP. 405.—An ACT to amend and re-enact section 4439 of the Code of Virginia.

[H B 151]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section forty-four hundred and thirty-nine of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 4439. Same act, with intent to commit larceny; how punished; robbing bank; how punished.—If any person do any of the acts mentioned in the preceding section, with intent to commit larceny, or any felony other than murder, rape, or robbery, he shall be confined in the penitentiary not less than one nor more than ten years, or, in the discretion of the jury, confined in jail not exceeding twelve months, and fined not exceeding five hundred dollars. If any person, armed with a deadly weapon, shall enter any banking house in the day time or in the night time with intent to commit larceny of money, bonds, notes or other evidence of debt therein, he shall be

punished with death, or, in the discretion of the jury, by confinement in the penitentiary not less than five nor more than eighteen years.

CHAP. 406.—An ACT to require State departments, officers, boards and commissions now required to make annual reports, to make bi-ennial reports in lieu thereof.

[H B 292]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That all State departments, officers, boards and commissions, now required by law to make annual reports, shall, hereafter in lieu thereof, make bi-ennial reports. In such reports all tabular and statistical matter shall be compiled for the period of the biennium, but shall not be made up of duplicate statements or contain parallel columns for each year separately.

2. This act shall not apply to any department, officer, board or commission required by the Constitution to make an annual report, nor shall it be construed to prohibit the governor from requiring an annual report from any State department, officer, board or commission now required to make an annual report, if in his judgment an

annual report should be made.

3. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAP. 407.—An ACT prescribing the duties of operators of motor or other vehicles on public highways who shall injure any person or property while so driving on said highways, and prescribing penalties for the violation of this act.

[H B 240]

Approved March 24, 1922.

- 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for the driver or operator of any motor vehicle or other vehicle, which shall have run into, over, or collided with, or in any way injured, any person, persons or property upon the public highways, streets or alleys of this State, to fail to stop such vehicle and return to the place of the accident and render such aid and assistance to the person, persons or property so injured as may be necessary or possible under the circumstances, giving his name and address to the person or persons so injured.
- 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than two hundred dollars, or be imprisoned not exceeding one year, or both.

CHAP. 408.—An ACT to amend and re-enact an act entitled an act to provide for working, building and keeping in repair the public roads and bridges in Grayson county, approved March 6, 1900, and, as further amended by an act approved March 14, 1904, and as further amended by an act approved March 13, 1908, and as further amended by an act approved March 1, 1918, and as further amended by an act approved September 10, 1919, and as further amended by an act approved March 10, 1920. [H B 260]

## Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to provide for making, building and keeping in repair the public roads and bridges in Grayson county, approved March sixth, nineteen hundred; and further amended by an act approved March fourteenth, nineteen hundred and four; and as further amended by an act approved March thirteenth, nineteen hundred and eight; and as further amended by an act approved March first, nineteen hundred and eighteen; and as further amended by an act approved September tenth, nineteen hundred and nineteen; and as further amended by an act approved March tenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

The board of supervisors of Grayson county shall have original jurisdiction to open, establish, alter, change, discontinue, and build

all roads and bridges in the county of Grayson.

2. Every application to open, establish, or change any public or private road shall be presented to the board of supervisors while in session and the board shall then have authority to appoint five freeholders of the district in which the road is located or is proposed to be located, any three of whom may act, to view and examine such roads or route and report upon the expediency of changing or altering the location of any road or opening any new road; the viewers may recommend a new or different route.

3. The clerk of the board of supervisors shall make a copy of the order appointing the viewers and shall send to each one by mail on the day the order is entered a copy of the order appointing him and the viewers shall within ten days from the date of the order appointing them meet at the most convenient place on the proposed new road or alteration of the road proposed to be made or changed or altered in said order. The viewers before they proceed to discharge their duties shall be severally sworn to perform their duties

impartially and to the best of their judgment.

The oath may be administered to said viewers by the supervisor of the district in which the road proposed to be established, altered or changed or by anyone having authority to administer an oath. If the viewers decide that the public convenience requires the establishment of such new road, or the alteration or change of such old road, they shall lay out the same, having respect for the shortest distance and best location, and shall assess the damage, if any, done to land through which the road passes, taking into consideration the advantages to be derived from the road passing through the land, and the said viewers shall make report in writing to its next meet-

ing, giving the names of the proprietors and tenants of the land on which it is proposed to establish or alter such road, which of the proprietors and tenants require compensation, and what will be a just compensation to each of the proprietors and tenants claiming

compensation.

In all cases where further notice and service of process or summons have been waived in writing, by each of the said proprietors and tenants, or by attorneys before the board, the board shall at the same meeting to which said report is returned, determine the question of establishing or altering such road, and shall hear testimony and fix upon a just compensation to the proprietors and tenants for the land proposed to be taken and the damage accruing therefrom. But in the event that further notice and service of process have not been waived as herein provided unless the board be against establishing or altering such road, the board shall require its clerk to issue process to summons the proprietors and tenants of the lands on which it is proposed to establish or alter such roads to the next meeting of the board, to show cause against establishing or altering such road, but such process shall not be necessary, nor shall process issue as to any proprietors or tenants who have in the manner hereinbefore waived or acknowledged service of such process, or claims no damage.

Upon return of said process duly executed, as to all of the said proprietors and tenants who have not waived or acknowledged service of the same, defense may be made to the said proceedings by any party, and the board of supervisors may, in its discretion, hear testimony touching the expediency of establishing or altering the road, the supervisors shall limit the number of witnesses to six that they will hear for and against establishing the road or making the

proposed alterations or changes.

The clerk of the board shall not tax or allow pay to more than

six witnesses in any proceedings under this act.

Upon such hearing, unless the board be of opinion that the road ought not to be established or altered, it shall proceed to fix a just compensation to the proprietors or tenants for the land proposed to be taken and the damage accruing therefrom. But if any tenant or proprietor desire it, or the board see cause for so doing, it may, in its discretion, appoint five disinterested freeholders of the county as commissioners (any three of whom may act) for the purpose of ascertaining a just compensation for the land to be used for such road. after which the same proceeding shall be had, as provided for the commissioners for a like purpose under the general road law of the State. If the board of supervisors be of opinion that the road should not be opened or change made, then all cost incident to the application for such new road or changes shall be paid by the applicant. No money to be paid for damage in condemnation proceedings till road is accepted and completed. Viewers and commissioners appointed shall each receive two dollars per day for their services.

The board of supervisors of Grayson county shall have general

supervision, control and charge of working and keeping in repair the roads and opening and making all new roads and repairing the bridges of the county, all work done and repairs made on old roads to be done in the spring and summer months of each year, except permanent work and keeping open ditches and culverts. And for this purpose must purchase such tools, implements and machinery as is necessary to have the roads and bridges built or repaired.

It shall have authority to direct a surveyor of said county to define the boundary of any road therein, and to alter the grade of any existing road, and to perform such other services as in the opinion of the board may be necessary to carry out the provisions of this act, for which service the said surveyors shall receive reasonable compensation from the said board, not exceeding, however, three dollars per day, payable out of the road fund of the magisterial district in

which the surveying is done.

Each supervisor of the several magisterial districts of the county shall give personal supervision to and shall have charge and control of the roads and bridges in their respective districts. It shall be the duty of such supervisor to see that roads in his district are kept cleared of rocks, and other obstructions, of necessary width, and the beds of the roads raised in the middle and sloped gradually each way to the sides, well drained by underground culvert, and secure from the falling of dead timber thereon, and otherwise in good order; that a suitable sign board is placed and kept at every important fork or crossing of every road, on which shall be stated in plain letters the most noted places to which each road leads, and the distance thereto; and that suitable bridges be constructed and maintained in a safe, substantial condition over such streams and ravines as may need them, and that across any stream or ravine where it may be necessary or practical a sufficient bridge, bench or log shall be made for the accommodation of foot passengers, which shall always be kept in a safe condition, and where the beds of said roads are encroached upon, such supervisor shall notify in writing by letter mailed to the postoffice address of the person encroaching or trespassing on the public roads to forthwith remove the obstruction, and if the same be not done in five days, he, the supervisor, shall cause said obstruction to be removed and shall recover the expenses, with costs, from said trespasser, and the supervisor shall also recover from the said trespasser a fine not exceeding twenty-five dollars nor less than ten dollars before any justice of the peace of his district. The fine shall be paid by the justice of the peace to the treasurer of the county, who shall place the same to the credit of the road fund of the magisterial district in which it is recovered.

5. The supervisors of each magisterial district of the said county, in the discharge of his duties, is hereby authorized and empowered to let the working, improvement, and repairs of any road or roads, or the building or repair of any bridge or bridges in his district, to contract, may lay off the roads of his district into sections, and appoint or employ road overseers for such sections, may employ or



hire laborers, hands, teams, implements and machinery, for the purpose of working and repairing the roads and bridges in his district, and appoint or employ foremen, who shall have charge of the same. When work is paid for by the day, not less than ten hours shall constitute a day's work, and for each day's work the sum of not more than two dollars shall be paid to each able-bodied laborer; when less than a day's work is performed, not more than twenty cents per hour shall be paid. The supervisor shall not allow for team and wagon and hand, or team and plow and hand, more than four dollars per day. The supervisor shall pay to each foreman or road overseer not more than two dollars and fifty cents per day. The supervisor shall not allow more than two dollars and fifty cents per day for any hand running a road plow or tractor pulling a road plow.

- 6. Each overseer or foreman employed under the provisions of this act shall make out an itemized account of all the work done by him, or under his charge or direction, showing the teams, tools, implements and machinery used and the number and names of the laborers employed, the dates on which the work was done, the number of hours worked each day, the amount charged by each laborer for each day or part of a day, and shall state accurately the road on which the work was done, and shall make oath to the correctness thereof before the supervisor of the district in which the work was done. The supervisor of the district or any one authorized by law to administer oaths shall administer the oath to the overseer or foreman; it shall then be the duty of the supervisor to whom such account is presented to inspect and examine the roads and bridges for the working, repairing or building of which the amount is presented, and if satisfied that the account is correct, he shall issue a warrant on the treasurer of the county for the amount due each man, as shown by said report, payable to the order of said person or persons at any time there are suffcient funds in the hands of the treasurer to the credit of the magisterial district road fund in which said work is done.
- 7. When any blasting is necessary on any public road, the supervisor of the district in which the road is located shall employ a competent person to do the same and shall furnish such tools and materials as necessary to complete the work, the person so employed and his assistants shall be paid at the rate of twenty cents per hour. When such work is completed and an itemized account thereof made out, it shall be paid out of the road fund of the magisterial district in which the road is located. If there is not a sufficient amount of money to the credit of the road fund of said district, the same shall be paid out of any money of the county not otherwise appropriated.
- 8. No new road shall be ordered opened by the board of supervisors unless it shall first be made to appear that there is sufficient surplus in the treasury to the credit of the road fund of the magisterial district in which said new road is proposed to be opened or of money in the treasury not otherwise appropriated sufficient to pay the same or unless the parties interested in the opening said pro-



posed new road shall agree and obligate themselves to open and build said proposed new road without cost to said magisterial district

or to the county.

For the purpose of raising revenue for building, working and keeping in repair the public roads and bridges of said county, the board of supervisors shall annually levy, along with the county levy, a tax upon all property, real and tangible personal, assessed for taxation in the several magisterial districts of the county, which shall be applied for building, working and keeping in repair the public roads and bridges in said district and the compensation of the foreman or road overseers and others provided for under the provisions of this act, such tax shall not be less than forty cents nor more than fifty cents on every hundred dollars valuation of such property. The said levy shall be collected by the treasurer of said county as other county levies, accounted for and paid out on the warrant of the supervisors, except that a levy of each magisterial district shall be kept separate by the county treasurer; each supervisor of the county may draw on his own warrant only the funds of his magisterial district, the amount collected in each magisterial district shall be expended in the district in which it has been collected.

10. The board of supervisors, in addition to the road tax herein provided, shall appropriate to the road fund provided by this act any balance that may remain at the end of any fiscal year to the credit of the county fund or levy, or so much of said balance as said board may deem wise or expedient to appropriate; and in addition to the tax herein provided, the said board may appropriate to the road fund taxes derived from railroad, telegraph and telephone companies, and the said board shall appropriate twenty per cent of the money derived from said district levy for the purpose of permanently improving some important road in each district each year and may appropriate any other money not otherwise expensed or appropriated that belongs to the county to permanently improve each year some important road in each district in said county, and this fund may be used with or without State aid for such permanent improvement as the board may deem best, and the supervisor in selecting the road he will permanently improve each year by the funds collected by this act shall give preference to the road that the citizens living in that community, or any other private source, will make the largest private donation for the purpose of making said permanent improvement. No foreman or overseer shall work less than six hands. No supervisor or foreman or overseer shall be interested, financially, either directly or indirectly, in any contract for opening, repairing or altering any road or bridge or the purchase of any tools or machinery provided for in this act.

11. Each supervisor shall have charge of the roads in his district and shall have power to appoint a sufficient number of foremen to take charge of the hands in his district, in building, working and repairing the roads in said district, but no foreman shall be appointed by the supervisor of a district unless he has had practical experience



in road building or will carry out definitely the plans and specifications furnished him by the supervisor of the district in building or

repairing any road in the district.

12. Each supervisor shall go over and personally inspect the roads of his district and shall keep them in good condition and repair, for which services the said supervisor shall receive the sum of four dollars per day; provided, however, he shall not be paid for more than fifty days in any one year for service under this act, and the clerk of the board of supervisors shall not receive for his services less than forty nor more than eighty dollars for any one year.

13. Each supervisor shall keep a book and shall keep down the names of all the foremen or road overseers employed by him, the tools and machinery purchased by him, and shall number the roads of his district and shall give to each road a name, the name and number of the road shall be the same that the clerk of the board is required to give to each road in section eighteen of this act, and shall keep in the book the names of the men employed by him and the amount paid to each one, and shall bring said book to the monthly meetings of the board of supervisors and it shall be open for inspection for any taxpayer of the county, and the amounts paid out by him in the building and repairing of the roads and bridges of his district shall be published as required by the general law of the State.

The supervisor or any person appointed or employed to work on the roads, or build or repair the bridges, as herein provided, may take from any convenient lands, whether on the right of roadway or not, so much wood, stone, gravel or earth as may be necessary to be used in construction, improving or repairing such roads or any bridge or causeway thereon, and may, for the purpose of draining said road, cause a ditch to be cut through any lands adjoining the same. For any material taken or ditch cut compensation shall be allowed only as provided by the general road laws of the State.

15. If any foreman or road overseer fails to keep his road in order and in good condition, on complaint in writing of any taxpayer of his district to the supervisor of the district, he shall be fined not less than ten nor more than fifty dollars, if it can be shown that he has funds at his command for repairing the said road, said fine shall be recovered before a justice of the peace for said county, and shall be paid to the treasurer of the county and placed to the credit of the

road fund in said magisterial district.

16. Each supervisor shall make an equitable and fair distribution of the money derived from this act in his magisterial district on all the public roads in his district, taking into consideration the amount of travel and importance of each road. He shall not allow any funds to be expended in permanently improving any road exceeding four degrees; he shall have authority to remove any foreman or overseer at any time he considers it to the best interest of the roads of his district.

The board of supervisors shall cause to be kept by the clerk of their board an itemized account of all work done and money ex-



pended for tools and machinery and in building, working and keeping in repair roads and bridges of the county, which shall be recorded by the clerk of the board of supervisors in a book to be kept for the purpose and published in a manner provided by law for publication of expenditures. The supervisor shall deliver to his successor in office all tools and machinery purchased by him or owned by his magisterial district and take his receipt for same and file this receipt with the clerk of the board. The board of supervisors shall devise a sysetm of bookkeeping to carry out the intention of this act and require the clerk of the board to keep such book as directed and they shall prescribe the method by which the treasurer shall keep his books with reference to the county and district levies, and a collection of the county and district road tax and require the clerk and treasurer to follow out the plans and details of the system of said board of supervisors; but each supervisor shall keep a separate book as required of him by section thirteen of this act.

18. The supervisors shall purchase a well bound book suitable for keeping and recording records therein, and this book shall be labled "Public and Private Roads of Grayson County." This book shall be delivered by the board of supervisors to the clerk of the board and the clerk shall record and index in this book all the public and private roads of the county. He shall state the magisterial district in which the road is located, where it commences and where it terminates, the name and the number of each road, the length of same, the community through which it passes. And hereafter when a public or private road is located, constructed and established or an alteration made in an old road the clerk shall index and record the same as herein provided; nothing else shall be written or printed in this book except what is required to be by this section of this act.

No supervisor or clerk of this board shall receive any compensation under this act until this section has been fully complied with.

19. Each member of the board of supervisors for a failure to perform any duty required of him under this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than one hundred nor more than five hundred dollars; said fine shall be applied to the road funds of this district in which the failure to perform said duty occurs.

20. The general road law of this State, except in so far as the same is in conflict with the provisions of this act, shall remain in force in the county of Grayson; provided, however, nothing in this act shall apply to any portion of the State highway system which is now or may hereafter be located and established in said county of Grayson.

21. All acts and parts of acts in conflict with this act, except such as relate to the State highway system, are hereby repealed, so far as applicable to Grayson county.

3. An emergency is declared to exist and this act shall be in force from its passage.

CHAP. 409.—An ACT to amend and re-enact sections 9 and 13 of an act entitled an act to amend and re-enact an act entitled an act to provide for opening and keeping in repair the public roads of Pulaski county, approved March 2, 1892, as amended and re-enacted by an act approved February 27, 1896, as amended and re-enacted by an act approved January 25, 1898, as amended and re-enacted by an act approved March 6, 1900, as amended and re-enacted by an act approved May 14, 1903, as amended and re-enacted by an act approved March 14, 1908, as amended and re-enacted by an act approved March 24, 1920. [H B 285]

## Approved March 24, 1922.

- 1. Be it enacted by the general assembly of Virginia, That sections nine and thirteen of an act entitled an act to provide for opening and keeping in repair the public roads of Pulaski county, approved March second, eighteen hundred and ninety-two, as amended and re-enacted by an act approved February twenty-seventh, eighteen hundred and ninety-six, as amended and re-enacted by an act approved January twenty-fifth, eighteen hundred and ninety-eight, as amended and re-enacted by an act approved March sixth, nineteen hundred, as amended and re-enacted by an act approved May fourteenth, nineteen hundred and three, as amended and re-enacted by an act approved March fourteenth, nineteen hundred and eight, as amended and re-enacted by an act approved March twenty-fourth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:
- Sec. 9. It shall be the duty of the said road board to meet at the courthouse of said county during the month of January of each year, at which meeting they shall divide the roads and bridges of their several districts into sections, a record of which divisions shall be filed with the clerk of said road board, and recorded by him upon their minutes; and they shall appoint a surveyor for one or more of such section or sections, whose duty it shall be to superintend and direct the opening, repairing and keeping in order of the county roads of his section or sections and the making or repairing of all county bridges in his section or sections, in such manner and under such regulations and restrictions as may be prescribed by said road board. But said road board is hereby authorized to let to contract the construction of new roads or bridges, or any part thereof, to whomever and upon such terms as said road board may deem expedient.

The term of office of such road supervisors shall be one year from the date of their appointment in January of each year. They shall not be interested in any claim for work done or material furnished on any road or bridge in their respective districts, and any claims for work done or for material furnished by any such surveyor on any road in his district shall not be approved or paid by the road commissioner of such district, except the amount legally due such surveyor for his services. Said surveyor shall qualify as other district officers are required by law to qualify, and each of them shall enter into and acknowledge a bond before the court or judge before whom he qualifies, with surety to be approved by such court or judge, in the

penalty of five hundred dollars. Such bond shall be payable to the board of road commissioners of Pulaski county, and conditioned for the faithful discharge of said surveyor of the duties imposed upon him under this act. A recovery on any such bond shall be for the benefit of the road district in which such surveyor is appointed. A vacancy in the office of road surveyor shall be filled by the road commissioner of the district wherein such vacancy occurs.

It shall be the duty of such surveyors to have charge of and take proper care of all tools, implements and machines which may be placed in their charge, and at the end of their term of office, or whenever directed so to do by the road commissioner of his district, to deliver the same to his successor in office, or to such other person

as said road commissioner may direct.

It shall also be the duty of each surveyor to cause the roads in his section or sections to be kept cleared, smoothed of rock and obstructions, and of necessary width, and the middle of the bed of the road raised and sloped each way from the middle to the sides, well drained and otherwise in good order, and secured from the falling of dead or dangerous timber therein. At the fork or crossing of every road shall be kept erected sign boards on which shall be stated in plain letters the most noted places to which each road leads; and across each stream, when it is necessary and practical, a sufficient bridge, bench, or log, for the accommodation of foot-passengers.

Such surveyors shall be authorized to employ all necessary labor by the month or by the day, or both, as the said road board of the county shall deem best, and also to hire horses, mules, or work oxen by the day; the rate to be paid such laborers or for the hire of such horses, mules, or work oxen to be fixed by the said road board.

Such surveyors shall furnish vouchers each month for all expenditures, whether for tools, materials, laborers, or horses, mules, or work oxen, which vouchers shall be in duplicate and shall be presented to the road commissioner of the district and, being by him approved, shall be laid before the board of supervisors of said county, and, if approved by said board of supervisors, shall be paid out of the road fund of such district.

The road board, at its annual meeting in January of each year, shall determine what compensation shall be paid to such surveyors, which compensation said road board may change from time to time, and may pay one rate for one month and a different rate for a different month, or may make such compensation payable by the day, if deemed advisable. Each surveyor shall present to the road commissioner of his district vouchers, duly sworn to by him, for amounts due him under the terms of his employment, which vouchers shall be laid before the board of supervisors of said county and, if approved, ordered to be paid out of the road fund of said district. But no surveyor shall receive any compensation until he shall have fully performed all duties imposed upon him by this act and by the provisions of the general road law of this State, thereto applicable, for which no provisions has been made under this act.

- Sec. 13. For the purposes of this act, the board of supervisors of Pulaski county shall annually levy a capitation tax of fifty cents on every male citizen over the age of twenty-one years, and a tax not to exceed one dollar on the one hundred dollars of the assessed value of the real estate and tangible personal property in the respective magisterial districts of said county for the benefit of the road fund; provided, that the taxes collected for road purposes in each magisterial district shall be expended only on the roads in the district wherein collected, except that taxes for road purposes derived from railroads, telegraph and telephone companies, shall be equally divided among the several magisterial districts of said county; and provided, further, that this act shall in no wise affect sections five and six of an act entitled an act to authorize the board of supervisors of Pulaski county to borrow money for the construction of, and repairs to, the bridge across New river at Towe's ferry, in Pulaski county, approved December twenty-first, nineteen hundred and one.
- 2. Inasmuch as the time is near at hand for laying the county levies, an emergency is hereby declared to exist and this act shall be in force from its passage.

CHAP. 410:—An ACT to amend and re-enact an act approved March 13, 1914, entitled an act to provide a road law for Spotsylvania county, and all acts subsequent thereto.

[H B 526]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to amend and re-enact an act approved March 13, 1914, and all subsequent acts thereto, entitled an act to provide for a road law for Spotsylvania county, be amended and re-enacted so as to read as follows:

Sec. 1. The management and control of all roads in the county of Spotsylvania shall be placed under the direction of the board of supervisors of the said county, who are hereby constituted a road board for the purpose.

The board of supervisors are empowered and authorized to levy annually, not in conflict with general laws, a road tax of not exceeding sixty (60) cents on the one hundred dollars valuation of all taxable property, which together with such other moneys as may be derived from any road tax upon telephone lines, railroads, et cetera, shall constitute a road fund.

The said road board shall adopt economical, modern, progressive and uniform standards for the construction and repair of roads; shall carefully scrutinize all expenditures of road funds, and in their discretion, shall require all persons who use wagons, carts, or other vehicles in said county, to provide such wagons, carts, or other vehicles with tires of such width as they, the said board, may prescribe, upon such conditions as they may prescribe, and may prescribe such penalty for the failure of any person to comply with said requirements or order as they may deem best.

The said board may also erect tollgates on such of the roads of the county or any district thereof as they may deem proper, at not less than five miles apart, and fix the rate of toll for the various kinds of vehicles, automobiles, locomobiles, and so forth, in proportion to the damage done by such vehicles, and from the action of the board in fixing such rates of toll, et cetera, there shall be no appeal. No tollgate shall be maintained where the cost of keeping said gate exceeds ten per cent of gross receipts in any six months period.

The said road board is authorized to make and publish such orders and regulations governing the use of the said road as it may deem wise and proper in regard to hauling any loads over the road, this not to apply to school children or individual travel, and said road board, while the same is being built, improved or repaired, and thereafter when such travel would, by weather conditions, in the opinion of said road board, greatly damage such road, and may prescribe such penalty for the failure of any person to comply with said order or regulation as they may deem best; to proceed, by warrant, against all parties plowing up, moving, or otherwise encroaching upon or obstructing said road; or driving vehicles unnecessarily into or along the ditches on the side of said road; to require drivers of wagons to accompany same while same are in motion upon said public roads; and any party so convicted shall be punished as for a misdemeanor and fined not less than five nor more than twenty-five dollars. Said road board may appoint for each of the districts in the county as many persons as said board may deem necessary, to report to said board or a justice of the peace, without compensation, all violations of this act or of any order passed by said board in pursuance thereof.

It shall be the duty of such member of said road board of each district of Spotsylvania county to see that the roads in his district are kept cleared, smoothed of rocks and other obstructions, of necessary width; that the beds of the roads are raised in the middle and sloped gradually each way to the sides, well drained, and secure from the falling of dead timber thereon, and otherwise in good order; that if needs be, a suitable sign board be placed and kept at every important fork or crossing, on which shall be stated in plain letters the most noted place to which each road leads; that bridges be constructed and maintained in a safe, substantial condition, and where the beds of said roads are encroached upon, the member of said board for such district shall notify the person trespassing by written notice to remove the obstruction, and if the same be not done in ten days, he shall cause said obstruction to be removed and may recover the expense with costs from said trespasser before any justice of the

peace of said district.

The said road board shall have authority to direct a surveyor of said county to define the boundary of any road therein; to alter the grade of any existing road, and to perform such other service as may be necessary to carry out the provisions of this act, for which service the said surveyor shall receive reasonable compensation from the



said board not exceeding, however, four dollars per day, payable out of the road fund.

The said road board may adopt such methods of working and repairing said roads as the said board shall deem best; they may purchase or hire such teams, road machines, engines, implements, tools, wagons, camp equipage and all other necessary articles for the use of the employees working said roads; to hire such labor as may be necessary and put the same to work for such time during the year as they may deem best on any of the roads of said county, under a foreman appointed by the members of said board for each district, who shall be manager of the same, under the direction and control of the member of said road board, for his district.

All road taxes shall be expended in the district from which they are collected; provided, however, that the construction and repair of bridges shall be under the control and supervision of the board of supervisors, and cost of said construction and repair may be paid

for out of the county levy.

Each member of the said road board for his district shall keep a strict and faithful record of his expenditures of said road fund in his district, require itemized accounts for all expenditures, pay all bills out of said road funds, and shall annually produce before the treasurer of said county at the time the said treasurer settles his accounts, the itemized bills for the money so expended, and said itemized bills, together with the vouchers, shall be filed in the clerk's office of said county.

The treasurer shall annually make off statements of the road accounts for the respective districts, and have the same published along with his annual statement of receipts and disbursements of the county levy.

The county treasurer shall keep the road fund separate from other tax funds, keeping an account with each district separately.

For all services rendered by the said supervisors under this act they shall each be entitled to receive as compensation a sum not exceeding seventy-two dollars in any one year, except as members of the road board of Spotsylvania county there shall be allowed each member two dollars and fifty cents per day for each day not exceeding four days in any one month spent in inpecting the roads of their several districts, provided they make due report of the condition of said roads of said district at next meeting succeeding said inspection.

Any person or persons violating any of the provisions of this act, concerning the roads and bridges in said county, may be proceeded against, as for a misdemeanor, by a warrant from a justice of the peace of the county tryable in the district in which the offense occurred.

2. All acts and parts of acts in conflict, herewith are hereby repealed, so far as they affect Spotsylvania county.

3. By reason of the necessity of consummating the result pro-

vided in this act, an emergency exists and this act shall be in force from its passage.

CHAP. 411.—An ACT to amend and re-enact all acts creating and amending the charter of the city of Charlottesville, and to provide a charter and special form of government for the said city, and to repeal all acts and parts of acts inconsistent with this act, so far as they relate to the city of Charlottesville.

[H B 486]

Approved March 24, 1922.

Whereas, on December seventh, nineteen hundred and twenty, an election was held in the city of Charlottesville, Virginia, by which the qualified voters of said city adopted the form of government provided by the Code of Virginia of nineteen hundred and nineteen, and known as "Modified Commission Form;" and

Whereas, doubt has arisen as to the validity of said election; and Whereas, the voters of the city of Charlottesville in mass meeting assembled in response to a call issued by the chamber of commerce of said city and concurred in by the Rotary club and the Young Men's Business club of said city, did at the courthouse in said city on the night of February twentieth, nineteen hundred and twenty-two, request the general assembly of Virginia so to amend and re-enact the charter of said city as to incorporate therein the following amendments and changes:

(1) All legislative, financial and police authority vested in the city of Charlottesville by law shall be and is hereby given to a council of three members to be elected at large from the qualified

voters of the city.

2. Each of said councilmen shall hold office for two years, and shall receive an annual salary of three hundred dollars each (except the president, who shall be mayor, and shall receive five hundred

dollars) from the city for their services.

- (3) An election shall be held in the said city pursuant to law, at the time for the next regular election for councilmen in June, nineteen hundred and twenty-two. As soon as the said councilmen shall qualify, they shall meet and elect from their number a president, who shall be mayor without veto power, and who shall preside and also have a vote on all questions. Said council so composed shall take office on September first, nineteen hundred and twenty-two, from and after which time the powers and duties and salaries of the mayor and two branches of the council heretofore elected shall cease.
- (4) It shall be the duty of said council of three members to immediately elect for a period of one year a business manager at a salary to be fixed by them, who may be removed from office by said council at their discretion.
- (5) Said business manager shall have full executive authority in the management of all ministerial affairs, and shall have the right to employ and discharge all employees under his control. Said business manager shall give bond for the faithful performance of his duties for such sum as said council may require. The duties and



responsibilities of said business manager are to be fixed by ordinance of the city council.

(6) In all other respects the said council shall have and be vested with the same authority heretofore exercised by the mayor and the two branches of the council, and in all other respects their duties and liabilities shall be regulated by the existing laws, not in conflict herewith; now, therefore,

Section 1. Be it enacted by the general assembly of Virginia, That all acts creating and amending the charter of the city of Charlottesville be, and the same are hereby, amended and re-enacted in the manner and form following:

Section 2. That so much of the land as lies and is contained within the following boundaries, beginning at a point at the intersection of the northerly line of the right-of-way of the Southern railway company and the western line of Jefferson Park avenue, or Fry springs road, thence along the northern line of said Southern railway's rightof-way line north seventy-one degrees twelve minutes east one thousand four hundred and fifty-four feet to a stake, thence north seventyone degrees forty-nine minutes east one thousand nine hundred and eighty-seven feet to a stake (leaving out the right-of-way of the Southern railway, this being the modification hereinbefore mentioned), thence crossing the right-of-way of said Southern railway south one degree thirty-nine minutes east three hundred and thirty-six feet (this change in distance being necessitated by the modification hereinbefore referred to), to a cast iron monument in the south side of Grove street in Fifeville (this being an old city monument), thence south forty-three degrees ten minutes east one hundred eighty-one and nine-tenths feet to a concrete monument in L. H. Bingler's back yard, thence south twenty-nine degrees thirty minutes east, three thousand eight hundred and ninety-three and one-tenth feet to a stake near rock out-crop at the south end of Ridge street one hundred and thirty feet east of the line of said Ridge street, thence south seventy-five degrees fifty-one minutes east, three thousand three hundred twenty-seven and two-tenths feet to a pipe in the alley south of Belmont park, sixty-three feet west of Rialto street line; thence north sixty-six degrees fifty-nine minutes east, three thousand one hundred twenty-six and nine-tenths feet to a stake in the property of J. P. Burke near the northwest corner of said property east of Monticello road; thence north sixtythree degrees forty minutes east, one thousand three hundred twentyfour and two-tenths feet to a stake in the north edge of embankment of Chesapeake and Ohio railway, sixty-six and five-tenths feet west of Chesapeake and Ohio railway division sign; thence north thirty degrees twenty-two minutes east, three thousand seven hundred and thirty-eight feet to an iron pipe in the south side of Free Bridge road; thence north twelve degrees forty minutes east, three thousand six hundred and twenty-three and seven-tenths feet to an iron pipe in the north end of Locust Grove avenue at John A. Smith's gate; thence south eighty-three degrees ten minutes west, three thousand one hundred and forty-four feet to a stake in west side of Rio road;

thence north forty-seven degrees twenty-six minutes west, six hundred and fifty-eight feet to a stake near gate-post in E. Bradbury's yard; thence north forty-six degrees eighteen minutes west, eight hundred and fourteen feet to a stake in the east fence of private road of M. Mason about two hundred feet north of Rugby avenue; thence north fifty-three degrees twenty-five minutes west, one thousand one hundred thirty-eight and seven-tenths feet to a stake on north side of new Southern railway cut about two hundred feet from Rugby avenue; thence parallelling said Rugby avenue two hundred feet therefrom, north seventy-eight degrees eleven minutes west, four thousand four hundred thirty-one and three-tenths feet to a stake two hundred feet west of Old Barracks road in the Rosser property; thence south ten degrees forty minutes west, paralleling Rugby road and two hundred feet therefrom, one thousand one hundred nine and two-tenths feet to a stake opposite gate posts of entrance to Rosser property; thence north seventy-two degrees forty-nine minutes west, one thousand one hundred ninety-six and three-tenths feet to a stake in fence between Dabney and Moore properties; thence south fifty-six degrees fifty-five minutes west, two thousand five hundred ninetythree and seven-tenths feet to a stake near the westport of Massey's gate on north side of Ivy road; thence south twelve degrees fifty-three minutes west, five hundred eighty-eight and four-tenths feet to stake in the north side of the Lynchburg road, the following courses, forty-three degrees forty-three minutes west, one hundred and ninetyseven and six-tenths feet to a stake; south fifty-two degrees fifty-five minutes west, five hundred and eighty-eight and four-tenths feet to stake; south fifty-four degrees thirty-seven minutes west, three hundred and twenty-five feet to a stake; south forty-eight degrees fifty minutes west, one hundred feet to stake; south fifty degrees fortythree minutes, eighty-five feet to stake; south sixty-one degrees thirty-five minutes west, one hundred and eighty feet to stake; south seventy-three degrees fifty-five minutes west, one hundred and fiftyfive feet to stake; south eighty-seven degrees sixteen minutes west, one hundred feet to stake; north eighty-two degrees twenty-one minutes west, one hundred and forty-three feet to stake; north seventytwo degrees sixteen minutes west, one hundred and sixty-eight feet to stake; south eighty-two degrees eighteen minutes west, one hundred and sixty-nine feet to stake; thence south twenty-two degrees fifty-five minutes east, crossing Lynchburg road one hundred and sixty-five feet to a stake in the west line of Maury avenue; thence along said Maury avenue the following courses, south eleven degrees fifty-three minutes east, sixty feet to a stake; south no degrees thirtyeight minutes west, two hundred and eighty feet to stake; south forty-three degrees thirty-three minutes east, four hundred two and one-tenth feet to a stake; south sixteen degrees forty-one minutes east, two hundred seventy and three-tenths feet to stake; south no degrees eight minutes east, three hundred thirteen and three-tenths feet to the place of beginning, shall be and is hereby, made the city of Charlottesville; and the inhabitants of the city of Charlottesville for all purposes for which towns and cities are incorporated in this Commonwealth, shall continue to be one body, politic in fact and in name, under the style and denomination of the city of Charlottes-ville, and as such shall have all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations now incumbent and pertaining to said city as a municipal corporation; and by that name may sue and be sued, and be subject to all the provisions of the Code of Virginia, except so far as may be herein otherwise provided.

Section 3. The said city shall be divided into wards as now constituted, but the number of wards may be hereafter increased or diminished and the boundaries thereof changed by the city council as

authorized by law.

Section 4. (a) The municipal authorities of the said city shall consist of a council of three members, one of whom shall be mayor, as hereinafter set forth, unless and until this form be changed in a manner prescribed by law, a clerk of the corporation court, a Commonwealth's attorney, a treasurer, a sergeant, a commissioner of the revenue, a police justice, a justice of the peace, a constable, who shall be elected by the qualified voters of the city of Charlottesville at elections held at the intervals and on the days prescribed for such elections by the laws of the State. All persons who are qualified voters of the city of Charlottesville shall be eligible to any of the said offices. The terms of office of all of said officers shall begin and continue for such length of time as is prescribed by law; provided, that any one of said officers shall be eligible to one or more offices to be filled by the council—that is to say, that any officer elected by the people may hold office to which he was elected as well as one or more offices to which he may be elected or appointed by the council. All the corporate powers of said city shall be exercised by said council, or under its authority, except as otherwise provided herein.

(b) The form of government for said city shall be modified commission plan, as follows: All corporate powers, legislative, financial and police authority vested in the city of Charlottesville by law shall be and is hereby vested in a council of three members to be elected at large from the qualified voters of the city, except as hereinafter

provided.

(c) Each of said councilmen shall hold office for two years and shall receive an annual salary of three hundred dollars each (except the president of said council, who shall be mayor, and shall receive

five hundred dollars) from the city for their services.

(d) An election shall be held in the said city pursuant to law, at the time for the next regular election for councilmen in June, nineteen hundred and twenty-two. As soon as the said councilmen shall qualify, they shall meet and elect from their number a president, who shall be mayor without veto power, and who shall preside and also have a vote on all questions. Said council shall also elect a vice-president. Said council, so composed, shall take office on Sep-



tember first, nineteen hundred and twenty-two, from and after which time the powers and duties and salaries of the mayor and two branches of the council heretofore elected shall cease.

(e) It shall be the duty of said council of three members to immediately elect for a period of one year a business manager at a salary to be fixed by them, who may be removed from office by said council at their discretion.

(f) Said business manager shall have full executive authority in the management of all ministerial affairs, and shall have the right to employ and discharge all employees under his control. Said business manager shall give a bond for the faithful performance of his duties for such sum as said council may require. The duties and responsibilities of said business manager are to be fixed by ordinance of the city council. Until said council so fixes his duties and responsibilities, the said business manager shall have the powers vested in city managers by sections two thousand nine hundred and forty-four and two thousand nine hundred and forty-five of the Code of Virginia, nineteen hundred and nineteen, and general laws amendatory thereof.

(g) In all other respects the said council shall have and be vested with the same authority heretofore exercised by the mayor and the two branches of the council, and in all other respects their duties and liabilities shall be regulated by the existing laws, not in conflict

herewith.

Section 5. There may be elected by the council such officers and clerks as said council deems proper and necessary, and any one or more of said offices may be held and exercised by the same person. The officers herein mentioned shall be elected or appointed by the council on the first day of September, nineteen hundred and twenty-two, or as soon thereafter as practicable, and biennially thereafter, except when elected to fill a vacancy (which may be done by the council), in which case the election shall be for the unexpired term. It may be competent for the council, in order to secure the services of a suitable person, to elect non-residents, but such officer shall reside in the city during his tenure of office.

Section 6. The councilmen, and other officers elected by the people shall each, before entering upon the duties of their offices, take the oaths prescribed for all other officers by laws of Virginia, and qualify before the corporation court of said city, or the judge thereof in vacation, and in the cases of the mayor, and councilmen a certificate of such oaths having been taken, shall be filed by them, respectively, with the clerk of the council, who shall enter the same upon the journal thereof; but if any or either of said officers shall fail to qualify, as aforesaid, for ten days after the commencement of the term for which he, or they, were elected, or shall neglect for a like space of time to give such bond as may be required of him, his office

or their offices shall be deemed vacant.

Section 7. Whenever, from any cause, a vacancy shall occur in the office of mayor, it shall be filled by the council and a vacancy

in the office of councilmen shall be filled by that body at its next

Digitized by Google

regular meeting from the qualified electors of said city, and the office thus elected shall hold his office for the term for which his predecessor was elected, unless sooner vacated by death, resignation, removal, or from other causes. An entry of said election shall be made in the record book. If the mayor of said city or a councilman shall remove from the city limits, such removal shall operate to vacate his office.

Section 8. At its first meeting in September, nineteen hundred and twenty-two, and biennially thereafter, the council shall elect one of its members to act as president, who shall preside at its meetings and continue in office two years. Or if a vacancy occur in the office before the end of his term, such vacancy shall be filled as provided in section seven.

At the same time the council shall elect one of its members to be a vice-president, who shall preside at such meetings in the absence of the president, and who, when the president shall be absent or unable to perform the duties of his office, by reason of sickness, or other cause, shall perform any and all duties required of, or entrusted to, the president. The president, or the vice-president, when authorized, as above stated, to act, shall have power at any time to call a meeting.

Section 9. Two councilmen shall constitute a quorum for the

transaction of business at any meeting of that body.

Section 10. The president, or vice-president, as the case may be, shall be entitled to a vote on all questions as any other member, but in no case shall he be entitled to a second vote on any question, though it be necessary to break a tie—that is to say, his office shall not entitle him to a vote.

Section 11. The council shall have authority to adopt such rules and to appoint such officers and clerks as it may deem proper for the regulation of its proceedings, and for the convenient transaction of business, to compel the attendance of absent members, to punish its members for disorderly behavior, and by vote of two-thirds of all the members elected to it, expel a member for malfeasance or misfeasance in office. The council shall keep a journal of its proceedings, and its meetings shall be open, except when, by a recorded vote of two-thirds of those members present, it shall declare that the public welfare requires secrecy. The council shall also require to be kept by its clerk a separate book, termed "the general ordinance book," in which shall be recorded all ordinances and resolutions of a general and permanent character, properly indexed and opened to the public inspection. Other documents or papers in the possession of the clerk of the council which may affect the interest of the city shall not, without special order of the body, its president or vice-president, be exhibited, nor copies thereof furnished to other persons than the committees or city officials entitled thereto.

Section 12. At each regular meeting of the council the proceedings of the last regular meeting and all intervening called meetings,



shall be read, and thereupon be corrected, if erroneous, and signed by the person presiding for the time being.

Upon the call of any member the ayes and noes shall be recorded

in the journal.

Section 13. The council of the city, except as hereinbefore provided, shall have power within said city to control and manage the fiscal and municipal affairs of the city and all property, real and personal, belonging to said city; they shall have power to provide a revenue for the city, and appropriate the same to its expenses, also to provide the annual assessments of taxable persons and property in the city, and it may make such ordinances, orders, and by-laws relating to the foregoing powers of this section as it shall deem proper and necessary. They shall likewise have power to make such ordinances, by-laws, orders and regulations as it may deem desirable to carry out the following powers which are hereby vested in them:

First. To close, extend, widen, narrow, lay out, grade, improve and otherwise alter streets and public alleys in the said city, and have them properly lighted and kept in good order, and it may make or construct sewers or ducts through the streets or public grounds of the city, and through any place, or places whatsoever, when it may be deemed expedient by all the said councils. The land included in any street that is closed shall revert to the abutting owners on either side of the same, each receiving one-half thereof. That is, the new line of each abutter shall be the middle of the former street. The said council may have over any street or alley in the street, which has been, or may be ceded to the city, like authority as over other streets or alleys, and may prevent or remove any structure, obstruction or encroachment over, or under, or in a street or alley, or any sidewalk thereof.

Second. To prevent the cumbering of the streets, avenues, walks, public squares, lanes, alleys, or bridges in any manner whatsoever; to compel the occupant or owner of buildings or grounds to remove snow, dirt or rubbish from the sidewalks in front thereof.

Third. To extinguish and prevent fires, prevent property from being stolen, and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department for said city; to regulate the size of materials, and construction of buildings hereafter erected, in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure, or addition thereto which, by reason of delapidation, defect of structure, or other causes, may have, or shall, become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick or iron.

Fourth. To regulate and prescribe the breadth of tires upon the

wheels of wagons, carts, and vehicles of every kind and description used upon the streets of said city.

Fifth. To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, prevent the introduction or spreading of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits, and to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the appointment and organization of a board of health or other board to have the powers of a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the police officers of the city have; to regulate the burial, cremation, or disposition of the dead; to compel the return of births and deaths to be made to its health department, and the return of all burial permits to such department.

Sixth. To acquire by purchase, condemnation, or otherwise, either within or without the city, lands to be appropriated, improved and kept in order as places for the interment of the dead, and may charge for the use of the grounds in said places of interment, and may regulate the same; to prevent the burial of the dead in the city, except in public burying grounds; to regulate burials in said grounds; to require the keeping and return of bills of mortality by the keepers (or owners) of all cemeteries, and shall have power to acquire by purchase, condemnation, or otherwise, according to law, such lands, and in such quantity as it may deem proper or necessary for the

purpose of burying the dead.

Seventh. To establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the said councils may see fit, subject to the

laws of the State, and of the United States.

Eighth. To require and compel the abatement and removal, of all nuisances within the said city, or upon any property owned by said city, without its limits, at the expense of the person or persons causing the same, or the occupant or owner of the ground whereon the same may be; to prevent and regulate slaughter houses, and soap and candle factories within said city, or the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust; to regulate the location of stables, and the manner in which they shall be constructed and kept.

Ninth. If any ground in the said city shall be subject to be covered by stagnant water, or if the owner or occupant thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the said councils may cause such ground to be filled up, raised, or drained, or may cause such substance to be covered or removed therefrom, and may collect the expense of so doing from

the said owner or occupant by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected; provided, that reasonable notice shall be first given to the said owner or occupant or his agent. In case of non-resident owners, who have no agent in said city, such notice may be given by publication for not less than ten days, in any newspaper published in said city, such publication to be at the expense of said owner, and cost thereof to be collected as a part of the expense hereinbefore provided for.

Tenth. To direct the location of all buildings for storing gunpowder or other explosive or combustible substance; to regulate or prohibit the sale and use of dynamite, gunpowder, fire-crackers, kerosene oil, gasoline, nitro-glycerine, camphene, burning fluid, and all explosive or combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles and lights in barns, stables and other buildings, the making of bonfires and the carrying

of concealed weapons.

Eleventh. To prevent the running at large in said city of all animals and fowls, and to regulate and prohibit the keeping or raising of the same within said city, and to subject the same to such confiscation, levies, regulations and taxes as it may deem proper.

Twelfth. To prevent the riding or driving of animals at improper speed, to regulate the speed and manner of use upon the streets of said city of all animals or vehicles; to prevent the flying of kites, throwing of stones, or the engaging in any employment or sport in the streets or public alleys, dangerous or annoying to the public, and to prohibit and punish the abuse of animals.

Thirteenth. To restrain and punish drunkards, vagrants, medi-

cants and street beggars.

Fourteenth. To prevent vice and immorality; to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblage; to suppress houses of ill-fame, and gaming houses, to prevent lewd, indecent or disorderly conduct or exhibitions in the city, and to expel from said city persons guilty of such conduct.

Fifteenth. To prevent, prohibit or regulate the coming into the city from points either within, or beyond the limits of the State, of paupers or persons having no ostensible means of support, or persons who may be dangerous to the peace or safety of the city; and for this purpose may require any railroad company, or the owners of any conveyances bringing any such person to, or leaving him in said city, to enter into bond with satisfactory security, that such person shall not become chargeable to the city within one year from the date of his arrival, or may compel such company, or owner, to take any such person back to the city whence he was brought, and may compel any such person to leave the city, if he has not been in the city more than ninety days before the order is given.

Sixteenth. And the said council shall also have power to make such other and additional ordinances as it may deem necessary for the general welfare of said city; and nothing herein contained shall be construed to deprive said city of any of the powers conferred upon it, either by general or special laws of the State of Virginia, except in so far as the same may be inconsistent with the provisions of this charter.

Seventeenth. Said council shall have power to require and take from the city's business manager, chief of police, treasurer, auditor, commissioner of the revenue, and all other bonded officers, bonds with security and in such penalty as they may see fit, which said bonds shall be made payable to the city by its corporate name, and conditioned for the faithful discharge of their duties; said bonds shall be entered on the record of the council and shall be filed with the clerk of the corporation court of the city.

Eighteenth. Said council shall have power to erect, or authorize or prohibit the erection of gas works, waterworks, or electric light works in or pear the city, and to regulate the same

works in or near the city, and to regulate the same.

Nineteenth. To prohibit the pollution of water which may be

provided for the use of the city.

Twentieth. To pass all by-laws, rules and ordinances, not repugnant to the Constitution and laws of the State, which they may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property, including authority to keep a city police force; and to do such other things, and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is, or shall be granted to, or vested in said city, or officers thereof, or which may be necessarily incident to a municipal corporation; and to enable the authorities of said city more effectually to enforce the provisions of this section, and any other powers conferred upon them by this charter, their jurisdiction, civil and criminal, is hereby declared to extend one mile beyond the corporate limits of said city.

Twenty-first. To create a floating debt not exceeding one hundred thousand dollars when, by a vote of the total membership of the council, the council has passed a resolution declaring it expedient to do so, and when the creating of the floating debt thereby provided for is for the purpose of installing, or extending, one or more public utilities, which shall constitute an asset, or assets, at least equal in value to the amount expended thereon, which utility, or utilities, shall materially add to the service rendered by the city to its tax-payers and other citizens; and it shall be the duty of the council to provide in the next bond issue for the bonding of the floating debt thus created, and failure to do this shall suspend this clause.

Section 14. Local assessments upon abutting landowners for making and improving the sidewalks upon the streets and improving and paving the alleys, and for either the construction or for the use of sewers, may be imposed not in excess of the peculiar benefits resulting therefrom to such abutting landowners. And the same shall be regulated as prescribed by the general law.

Section 15. To carry into effect the powers herein enumerated, and all other powers conferred upon said city and its council by the laws of Virginia, said council shall have power to make and pass all proper and needful orders, by-laws, and ordinances not contrary to the Constitution and laws of said State, and to prescribe reasonable fines and penalties, including imprisonment in the city jail for a period not exceeding six months, and for the enforcement of the collection of fines, to impose imprisonment for a period not exceeding ninety days, which fines, penalties or imprisonment shall be imposed, recovered and enforced by and under the police justice, or any alderman or councilman of said city. The city may maintain a suit to restrain, by injunction, the violation of any ordinance, notwithstanding such ordinance may provide punishment for its violation. And the authorities of said city may, in accordance with the contract between the councils of said city and the county of Albemarle, continue to use the jail of said county for any purpose for which the use of a jail may be needed by them, under the acts of the council or of the State of Virginia; provided, however, that in all cases where a fine or imprisonment is imposed by the police justice, or councilman, or by the council, the party or parties so fined or imprisoned shall have the right of appeal to the corporation court of said city. All fines imposed for the violation of the city charter, by-laws, or ordinances, shall be paid into the city treasury.

Section 16. Each councilman, and the police justice of said city, for the time being, are declared to be, and are hereby, constituted conservators of the peace within said city, and within one mile from the corporate limits thereof, and shall have all the powers and authority, in civil, as well as in criminal cases, as justices of the peace. And the chief of police and the policemen of the city shall also be conservators of the peace within the limits aforesaid, and all proper arrests may be made and warrants of arrest executed by such

chief of police and policemen.

Section 17. The council shall cause to be made up annually, and entered upon its journal, an accurate estimate of all sums of money which are or may become lawfully chargeable on said city, and which ought to be paid in one year; the said council shall order a city levy of so much money as in its discretion shall be sufficient to meet all

just demands against the corporation.

Section 18. The levy so made shall be laid on all persons who are residents of said city over twenty-one years of age, upon dogs, and upon all personal and real estate within said city, except such persons, personal and real estate as are exempt from taxation under the laws of this State, and also upon all other such subjects within said city as may at the time be assessed with State taxes; provided, however, that the tax on real estate and personal property shall not exceed in any one year one dollar and eighty-five cents on every hundred dollars value thereof; and provided, also, that lands while used for agricultural or grazing purposes included in this

charter, at the time they are taxed, may be assessed for incorporation purposes at a lower rate; provided, however, that nothing in this act contained shall authorize the imposition of a tax upon intangible personal property at a rate in excess of that authorized by general law.

But nothing contained in this section, as hereby amended, shall limit or restrict the power of the city council to levy such additional taxation as they may deem necessary for the use and benefit of the city; provided, such additional taxation shall be authorized and sanctioned by a vote of the qualified voters of said city, in the mode and manner prescribed in section twenty-three of this charter, or be authorized by the council by a vote equal to at least two-thirds of the total membership. Provided, that nothing in this section shall be construed to repeal or amend any general law of the State now in effect.

Section 19. License taxes may be imposed by ordinance on businesses, trades, professions, and callings and upon the persons, firms, associations and corporations, engaged therein and the agent thereof, except in cases where taxation by the localities shall be prohibited by the general law of the State, and nothing herein shall be construed to repeal, or amend any general law with respect to taxation.

And this right to require a license and impose a tax thereon shall apply to all persons who use the streets of the city for delivery wagons; provided, that the license tax paid by any merchant to the city of Charlottesville shall, if the council consent, be in lieu of any

tax on a delivery wagon used by him in said city.

And said council may also grant or refuse license to owners or keepers of wagons, drays, carts, hacks, and other wheeled vehicles kept or employed in said town for hire or as carriers for the public, may prescribe a schedule of charges for their services, and may require the owners of such wagons, drays, carts, and so forth, using them in the city, to take out a license therefor, and require taxes to be paid thereon, and subject same to such other regulations as they may deem proper.

Section 20. The revenue from these and other sources shall be collected, paid over, and accounted for at such times and to such persons as the council shall order, and pursuant to such ordinance as now exists or may hereafter be passed by the council. The city

treasurer shall be the custodian of all the funds of the city.

Section 21. The council shall require the treasurer of the said corporation to make out a quarterly report of the receipts and expenditures, together with a balance sheet of said city for the preceding quarter, which report shall state on what account the expenditures were made, and from what source or sources the receipts were derived, which report when approved by the council, or in such manner as the council may direct, shall be published in one or more newspapers of the city on or before the twentieth day of December, March, June and September of each year.

Section 22. The council of said city of Charlottesville is hereby

authorized to make and issue the registered or coupon bonds of said corporation, payable not exceeding forty years after their date, bearing interest at not more than five per centum per annum, payable semi-annually; said bonds to be used exclusively in paying off and discharging the principal and interest of the present bonded debt of the corporation of Charlottesville. The said councils shall not be authorized to dispose of such bonds at less than par value, except by a recorded affirmative vote of all the members elected to the council. Said registered and coupon bonds shall be regularly numbered, signed by the mayor, clerk and treasurer of the city, and recorded in a book kept for that purpose.

Section 23. To provide for the payment of the bonded debt of the city there shall be set apart annually by the council from the revenues of the city such sum as will be sufficient to meet each issue of bonds, either heretofore or hereafter issued, as the same shall become due, except that for any issue of bonds a definite amount of which is payable annually and known as serial bonds no sum shall be so provided; but for such serial bonds the council shall make in their annual budget definite provision for their payment. The fund thus set apart shall be paid in two equal installments on the first day of January and the first day of July of each year, to the sinking fund commissioners hereafter designated, and shall, together with the accretions thereto arising from interest on investments, etc., be known as the sinking fund, and be held sacred for the payment of the debt of the city as it shall become due; and if no part of said debt be due or payable, said fund shall be invested in the bonds or certificates of debt of said city, or of this State, or the United States, or of some State of this Union, or any other bonds the sinking fund commissioners may deem a safe investment; said fund shall, in the hands of the treasurer, as to all questions of investments, purchase or sale within the limitations of this section, be subject to the orders and management of the mayor, chairman of the finance committee of the council, auditor, and treasurer, who together shall compose the sinking fund commission.

Section 24. The council of said city may negotiate any loan or loans for the purpose of improving the streets, lighting the same, buying necessary real estate, erecting public buildings, supplying the city with water, sewerage, and for other purposes; and shall have authority to issue registered and coupon bonds for the said loan or loans, payable not more than forty years after the date of said bonds, and said bonds shall bear interest at a rate not greater than five per centum, payable semi-annually; provided, that the council shall not negotiate such loan or loans, and issue bonds therefor, for sums which when added to the debt of the city then existing, shall cause the total indebtedness of the city to be greater than eighteen per centum of the assessed valuation of the real estate of the city subject to taxation, as shown by the last preceding assessment for taxes; provided, however, that in determining the limitation of the power of the city to incur indebtedness, there shall not be included the classes of in-

debtedness mentioned in subsection a and b of section one hundred and twenty-seven of the Constitution of the State; and provided, further, that such bonds are authorized by an ordinance enacted in accordance with section one hundred and twenty-three of the Constitution of Virginia, and approved by the affirmative vote of a majority of the qualified voters of the city who vote upon the question of their issuance, to be ascertained at a general election or at a special election held for that purpose; said special election, if one be held, to be ordered by the council, and to be conducted in accordance with the law of the State of Virginia, regarding election by the people. But no election touching the question shall be held until notice thereof has been given by publication for four successive weeks in one or more newspapers published in said city, and recorded in a book to be kept for that purpose.

Section 25. The rights of the city in its gas, water and electric works and sewer plant, now owned, or hereafter acquired, shall not be sold even after such action of the council as is prescribed by section three thousand and sixteen of the Code of Virginia of nineteen hundred and nineteen, until and except such sale shall have been approved by a majority of the qualified voters of the city, voting on the question at a special election ordered by the council and subject in other respects to the provisions of section twenty-four of this

charter applicable to a special election.

Section 26. The city sergeant shall attend the terms of the corporation court of said city and shall act as the officer thereof; the said sergeant may, with the approval of the said court, appoint one or more deputies, who may be removed from office by the sergeant or the said court, and may discharge any of the duties of the office of sergeant, but the sergeant and his sureties shall be liable therefor.

Section 27. The officers of said city elected or appointed by the council shall, during the time they are in office, have all the power and authority of like officers in the State under its general laws,

unless the same be abridged or restricted by the councils.

Section 28. The mayor or the council may prohibit any theatrical or other performance, show or exhibition within said city or a mile of its corporate limits, which may be deemed injurious to morals

or good order.

Section 29. The mayor, except as hereinbefore provided in section four, subsection f, shall be the chief executive officer of the city, and shall take care that the by-laws and ordinances thereof are fully executed. He shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, in and for the city, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend such officers and the members of the police and fire departments, and to remove such officers for misconduct in office



or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in person or by counsel, and to present testimony in his defense. From such order of suspension or removal the city officer so suspended or removed, or the member of the police and fire departments so suspended, shall have an appeal of right to the corporation court.

Said mayor, except as herein provided, shall have all other powers and duties which may be conferred upon him by general laws. The corporation court of said city may remove the mayor of said city from office for malfeasance, misfeasance, or gross neglect of official duty, and such removal shall be deemed a vacation of the office. All proceedings against the mayor for the purpose of removing him from office shall be by order of or motion before said court, upon reasonable notice to the party affected thereby, and with the right to said party of an appeal to the supreme court of appeals. In the event of the death, resignation or removal of the mayor, or his inability to discharge his duty from some other cause, his place shall be filled and his duties shall be discharged by the vice-president of the council until such inability ceases or another mayor is elected and qualified. A vacancy in the office of mayor shall be filled as provided for in section seven of this charter.

Section 30. The police justice shall have and possess all the jurisdiction and exercise all the powers and authority in all criminal cases of a justice of the peace for said city, and his jurisdiction shall extend to within one mile of the corporate limits of the city; but he shall receive no fees for services as such police justice, but all such fees shall be turned into the city treasury. He shall also have jurisdiction of and try violations of the city ordinances, and inflict such punishment as may be prescribed for a violation of the same. He shall have authority to issue his warrant for the arrest of any person or persons violating any of the ordinances, acts or resolutions of said city; it shall be his duty especially to see that peace and good order are preserved, and persons and property are protected in the city; he shall have power to issue executions for all fines and costs imposed by him or he may require the immediate payment thereof, and in default of such payment he may commit the party in default to the city jail until the fine and costs be paid, for a period, however, not exceeding ninety days. He shall hold his court daily, except Sundays, at the place prescribed by the council, and if from any cause he shall be unable to act, he shall appoint any other justice of the peace, or any councilman of said city, to discharge the duties of the police justice prescribed herein during such inability, and who shall be paid for such services by the police justice at the same rate per diem as such police justice receives. The police justice shall keep a regular account of all fines, forfeitures, fees and costs imposed, arising or collected in the administration of his office, which he shall report monthly to the city treasurer, except that all fines collected for offenses committed against the State shall go to the literary fund, as provided by law. The police justice of said city shall be removed, as hereinbefore provided, by the mayor upon proof of malfeasance or misfeasance in office. The police justice shall receive a compensation for his services, to be fixed by the councils, which shall not be increased or decreased during the term for which he is elected, but said compensation shall not be more than twelve hundred dollars per annum, but nothing herein contained shall be deemed to repeal or alter the general law with respect to civil and police justices in cities.

Section 31. The salaries of all officers who receive stated compensation for their services from the city shall be fixed by the council.

Section 32. The council shall fix by ordinance the time for holding their stated meetings and no business shall be transacted at a special meeting, unless by unanimous consent, except that for which it shall have been called, and every call for a special meeting shall specify the object thereof.

Section 33. The regulation and restrictions for granting any franchise in the city shall be such as are provided by the general law as found in section ten hundred and thirty-three-e of the Code

of Virginia of nineteen hundred and four.

Section 34. All moneys belonging to said city shall be paid over to the treasurer, and no money shall be by him paid out except as the same shall have been appropriated and ordered to be paid by the councils, and the said treasurer shall also pay the same upon warrants approved in such manner as may be prescribed by ordinance of the council.

Section 35. If the said treasurer shall fail to account for and pay over all of the moneys that shall come into his hands when thereto required by the council, it shall be lawful for the council, in the corporate name of the city, by motion before any court of record having jurisdiction in the city of Charlottesville, to recover from the treasurer and his sureties, or their personal representatives, any sum that may be due from said treasurer to said city on ten days' notice.

Section 37. All fines imposed for any violation of any city ordinance or State law shall be collected by the chief of police; and if said chief of police shall fail to collect, account for, and pay over all the fines in his hands for collection, it shall be lawful for the council to recover the same, so far as the same are accruing to the city, by motion, in the corporate name of the city, before the corporation court of said city, against the said chief of police, his sureties on his said bond, or any or either of them, his or their executors or administrators, on giving ten days' notice of the same.

Section 38. The council shall have power to make such ordinances, by-laws, orders and regulations as they may deem necessary to prevent dogs, hogs and other animals from running at large in the limits of the city, and may subject the owners thereof to such fines,

regulations and taxes as the councils may deem proper, and may sell said animals at public auction to enforce the payment of said fines and taxes; and may order such dogs, as to which are in default, to be

killed by a policeman or constable.

Section 39. The city shall not take or damage any private property for streets, or other public purposes, without making to the owner, or owners, thereof just compensation for the same. But in all cases where the city council cannot by agreement obtain title to the ground necessary for such purposes, it shall be lawful for it to apply to the circuit court of the county in which the land shall be situated, or to the proper court of the city having jurisdiction of such matters, if the subject lie within the city, to condemn the same.

Section 40. In every case where a street in said city has been or shall be encroached upon by any fence, building or otherwise, the city council may require the owner or owners, if known, and if unknown the occupant or occupants of the premises so encroaching, to remove the same. If such removal shall not be made within the time ordered by the city council, it may impose a penalty of five dollars for each and every day that it is allowed to continue thereafter, and may cause the encroachment to be removed, and collected from the owner all reasonable charges therefor, with cost, for which there shall be lien on the premises so encroaching, which lien may be enforced in a court of equity having jurisdiction of the subject. No encroachment upon any street, however long continued, shall constitute an adverse possession thereto, or confer any right upon the person claiming thereunder as against said city.

Section 41. All rights, privileges and properties of the city of Charlottesville heretofore acquired and possessed, owned and enjoyed by an act now in force, not in conflict with this act, shall continue undiminished and remain vested in said city under this act; and all laws, ordinances and resolutions of the corporation of Charlottesville now in force, and not inconsistent with this act, shall be and continue in full force and effect in the city of Charlottesville,

until regularly repealed.

Section 42. The corporation court of the city of Charlottesville shall remain as it now exists and be held by the city judge at such times as are, or may be, designated by law, and the jurisdiction of said court shall be such as is now prescribed; provided, of course, that the power to abolish said court in accordance with the Constitution of the State is in no way hereby affected. And the city of Charlottesville shall remain a part and parcel of the same legislative and senatorial districts to which it now belongs.

Section 43. That the corporate authorities of said city be, and they are hereby, authorized and empowered to erect suitable dams and reservoirs, and to lay suitable pipes to supply said city with an adequate supply of water, and to establish and construct a sewerage system for said city; and for such purpose to acquire, either by purchase or by condemnation, according to the provisions of the general law for the condemnation of lands by incorporated cities, such

lands and so much thereof as may be necessary for the aforesaid purposes.

Section 44. All elections under this charter shall conform to the

general law of the State in regard to elections by the people.

Section 45. The property now belonging to the county of Albemarle within the limits of the city of Charlottesville shall be within and subject to the joint jurisdiction of the county and city authorities and officers, and shall not be subject to taxation by the authorities of either county or city; and if the county and city aforesaid cannot agree upon the term of joint occupancy and use of such property in regard to which settlements may not have already been effected. the right of said city to such joint occupancy and use being hereby recognized, then the board of arbitration herein provided for shall determine the terms of such joint occupancy and use, and said board of arbitration shall determine what rights, if any, the city aforesaid has in all other county property; but this is subject to the recognition of the right of the city, as well as the county (through the district school board or otherwise) in the school property in Charlottesville school district; and nothing herein contained shall affect the rights of the inhabitants of said city to participate in the benefits of the Miller Manual Labor School in the Samuel Miller district in said county.

Section 46. A board of arbitrators composed of three members, one to be selected by the board of supervisors of Albemarle county, one by the council of Charlottesville, and they to choose a third, is hereby established, whose duty it shall be to adjust and decide the matters hereinbefore submitted to them, and all such other questions as may arise between said city and county, growing out of the extension of the corporation limits, and the establishment of a city government. The awards of said arbitrators shall be entered upon the records as the judgments of the city court or the county circuit court, as the arbitrators may designate.

Section 47. And it is further provided that the same person shall be eligible to and, if elected, may hold a county office and a city office, if the said offices be of the same nature, at the same time; provided, such officer lives within the city limits; and any person otherwise qualified, who is a resident of the city of Charlottesville, shall be eligible to election or appointment to any county office of

Albemarle county.

Section 48. It appearing that an emergency exists by reason of the fact that the election for councilmen must be held in the city of Charlottesville in June, nineteen hundred and twenty-two, and also by reason of the fact that license taxes have to be adjusted in the city of Charlottesville on the first day of May in each year, this act is hereby declared to be an emergency act within the provisions of section fifty-three of the Constitution of Virginia, and shall be in force from its passage and retroactive and effective as of the sixteenth day of March, nineteen hundred and twenty, as herein provided.



Section 49. All acts and parts of acts inconsistent herewith are hereby repealed; but such repeal shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any right established, accrued or accruing prior to the approval of this act by the governor, and shall not affect any right, act or transaction legalized and validated by section forty-eight of an act of the general assembly of Virginia, approved on the twenty-eighth day of February, nineteen hundred and twenty-two, amending and re-enacting the charter of the city of Charlottesville.

CHAP. 412.—An ACT to provide a new charter for the town of Woodstock and to repeal all acts or parts of acts in conflict therewith, and to declare all contracts and obligations heretofore or hereafter made by the present council and government of the town of Woodstock and all power heretofore or hereafter exercised by them, while in office, to be legal and valid.

TH R 2101

## Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That all contracts and obligations of the town of Woodstock heretofore and hereafter made by the present council and government by them while in office, and former councils in the corporate name of the council of the town of Woodstock, not inconsistent with this charter and the general laws and Constitution of the State, shall be and are hereby declared to be valid and legal.

2. The town corporate.—The inhabitants of the town of Woodstock, Virginia, as its limits are or hereafter may be established, shall be a body, politic and corporate, to be known and designated as the town of Woodstock, and as such shall have and may exercise all power as now or hereafter may be conferred upon or delegated to town under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein and no enumeration of particular powers by this charter shall be held to be exclusive.

3. The town boundaries.—The outside boundaries or corporate limits of the said town are as follows: Beginning at a planted stone at the north end of Water street and at the east edge thereof, one of the old corners to the original town, and extending thence along the line of M. V. French's estate, and with the boundaries of that part annexed to the said town in nineteen hundred and eight, south forty-six and three-quarters east three poles to a planted stone in said French's line; thence north twenty-three degrees ten feet east ninety-seven poles to a marked gate post at the east side of the gate and on the south side of the road called Mill road; thence along the south side of the said road north sixty-four and one-quarter west twenty-six and nine-tenths poles to a small marked cedar tree on the south side of the said road; thence north forty-nine and one-half west seventeen poles to a marked telephone pole on the west edge of the Valley turnpike; thence over the land of Peter Supinger's estate

north forty-nine and one-half west nineteen poles to a planted stone on the west side of the railroad, in George K. Logan's line; thence along the west limits of the railroad south forty-eight west sixteen poles to an anchor post a corner to said Logan and to the Supinger land; thence along the said Supinger land north forty-five and onehalf west fifty-five and six-tenths poles to a planted stone on the east edge of the Middle road; thence along the east edge of the said Middle road south forty-nine west fifty-four poles to a planted stone at the old corner of the original town; thence with the original lines north forty-five and one-quarter west one hundred and thirtyfour and four-tenths poles, along the south edge of the Fairview road most of the way, to a planted stone near a large oak tree at the north corner of the original town and on the south side of the Fairview road and on the west edge of the west alley of the said town; thence with the western limits of the said town, being the original line, and on the west side of the said alley or street, south forty-four and three-quarters west six hundred seventy-six and one-half poles to a planted stone at the south end of the said West street or alley, and on the south side of the South street or alley and near the bank of a small pond by a small white oak; thence with the lines of several tracts of farm land, south forty-five and one-quarter east two hundred twenty-eight and six-tenth poles to a planted stone near a pine stump one of the old corners of the town; thence north forty-four and threequarters east three hundred thirty-seven and seven-tenths poles to a planted stone near the west edge of the railroad limits; thence crossing the railroad, the Valley turnpike and running with various farm lines, south forty-six east two hundred and thirty-one poles to a planted stone by a large stump at the corner of the fence; thence north forty-four east one hundred twenty-one and two-tenths poles to a planted stone by a large white oak tree at the junction of the two roads leading from the river section towards the said town; thence along the south edge of the said main road leading to the town, north forty-seven west one hundred twenty-three and six-tenths poles to a planted stone at the angle of the said road and at the south side thereof and at the mouth of the street leading to the Indian spring; thence along the west side of the said main road north twenty-eight and three-quarters east fifteen and five-tenths poles to a planted stone on the west side of the said road; thence north twenty and three-quarters east fourteen poles to a limestone rock with a hole drilled into it on the south side of South street of the town, and on the west side, and at the south end of Water street. corner to Allen's addition or subdivision; thence south fifty-seven and one-quarter east two and two-tenths poles to a planted stone by a large limestone rock on the east side of said Water street; thence with the east edge of said Water street north thirty-five east one hundred eighty-six and seven-tenths poles to the place of beginning. containing within the said boundaries, including all the in-lots, all the out-lots, and all the streets and alleys of the said town, one

thousand three hundred and forty-five acres, three roads, twenty-

four square poles, more or less.

4. Powers of the town of Woodstock, Virginia.—In addition to the powers mentioned in section two hereof, the said town of Wood-

stock shall have the following powers;

- (1) To raise annually by taxes and assessments in said town sums of money as the council thereof shall deem necessary for the purposes of said town, and in such manner as said council shall deem expedient, in accordance with the Constitution of this State and of the United States, provided, however, that it shall impose no tax on the bonds of said town.
- (2) To impose special and local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prohibited by the Constitution of Virginia, as may be in force at the time of the imposition of such special and local assessments.

(3) Subject to the provisions of the Constitution of Virginia and of this charter, to contract debts, borrow money and make and issue

evidences of indebtedness.

To expend the money of the town for all lawful purposes.

To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein, within or without the town or State, and for any of the purposes of the town; and to hold, impose, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof, including any property now owned by the town.

(6) To acquire in any lawful manner for the purpose of encouraging commerce, manufacture, education, lands within and without the town, not exceeding at one time one thousand acres in the aggregate, and from time to time, sell, dispose of, lease or donate the same or any part thereof for commercial, industrial, educational uses and purposes, including land now owned by the town, and including the power to donate any land now or hereafter owned by the town for hospital purposes.

(7) To make and adopt a comprehensive plan for the town and to that end all plats and replats subdividing any land within the town into streets, alleys, roads and lots or tracts, shall be submitted to and be approved by the council before the same are filed or recorded

in the clerk's office of the county.

(8) Construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, markets and other buildings for the use and operation of the various departments of the town, and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them.

(9) To acquire in any lawful manner in any county of the State, such water, lands, property rights and riparian rights as the council of said town may deem necessary for the purpose of providing an adequate water supply for said town and of piping or conducting it; to lay all necessary mains and tunnels, to erect and maintain all neces-



sary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the water shed tributary to any such water supply where such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights and riparian rights or materials for any such use, to exercise within the State all powers of eminent domain provided by the laws of this State; provided that the lands which may be held for such purpose shall not exceed in the aggregate one thousand acres at one time.

For any of the purposes aforesaid the said town may, if the council shall so determine, acquire by condemnation, purchase or otherwise, any interest or interests in such lands or any of them in fee, reserving to the owner or owners thereof such property rights or easements therein, as may be prescribed in the ordinances providing such con-

demnation or otherwise.

(10) To acquire by purchase or exchange, or by the exercise of the power of eminent domain, any spring, springs, water supplies, pipe lines, reservoirs, land, property, easements, interests, contract rights, property rights, riparian rights or any interest or interest therein in the State of Virginia, which is now, or may be at any time used for supplying the inhabitants of the said town, with water.

(11) To establish, impose and enforce water rates and rates and charges for public utilities, or other service, products or conveniences, operated, rendered or furnished by the town; and to assess or cause to be assessed water rents directly against the owner or owners of the buildings or against the proper tenant or tenants, and may by ordinance provide that when charges are made against tenants, the owner or owners shall be directly liable in case such tenant or tenants

fail to pay when the rents or charges are assessed.

(12) To establish, open, widen, extend, grade, improve, construct, maintain, light and sprinkle and clean, public highways, streets, alleys and to alter or close the same; to establish and maintain public play grounds or other public grounds; to construct, maintain and operate bridges, tunnels, sewers and drains, and to regulate the use of all such highways, streets, parks, public grounds or works, to prevent the obstruction of such streets and highways, abolish and prevent grade crossings over the same by railroads in the manner provided by general law for the elimination of grade crossings; to require any railroad company operating a railroad at the place where any highway or street is crossed within the town limits to erect and maintain at such crossing any style of gate deemed proper and keep a man in charge thereof or keep a flagman at such crossing during such hours as the council may require in accordance with the laws, or make any other



ordinance which the council may deem proper to accomplish the purposes desired; and to regulate the length of time such crossings may be closed due to any operations of the railroad; and to regulate the operation, weight of load and speed of all cars, and vehicles using the same, as well as the operation and speed of all engines, cars, trains or railroads in the said town; to prevent or prohibit poles and wires for electric, telephone or telegraph purposes to be erected in the streets and alleys and to prescribe and to collect annual license charge for such privileges heretofore or hereafter granted.

The said town and citizens living within its corporate limits shall be exempt from all road taxes and taxes for the support of the poor and other local purposes, provided, the said town shall maintain and keep its road and streets in good repair, support its poor and levy its school taxes for the support of the local schools of the town. The town may keep its poor in the parish house or poor house of the

county, provided, it pays all necessary expenses therefor.

(13) To establish, construct and maintain sanitary sewers, sewer lines and systems and to require the abutting property owners to connect therewith and to establish, construct, maintain and operate sewage diposal plants and to acquire by condemnation or otherwise, within or without the town, all lands, rights of way, riparian and other rights and easements necessary for the purposes aforesaid, and to charge and collect reasonable fees and assessments or costs of service for connecting with and using the same. To collect and dispose of sewage, garbage, carcases of dead animals and fowls and other refuse, and to acquire and operate plants for the utilization or destruction of the same or any of them.

- (14) To compel the abatement and removal of all nuisances within the town at the expense of the person or persons causing the same or the owner or occupant of the ground or premises wherein the same may be found, and to require all lands and lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits or to make them at the expense of the owners or occupants thereof; to regulate or prevent slaughter houses or other noisome and offensive business within the town, the keeping of hogs or other animals; to regulate the transportation of all articles through the streets, to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables, and other obnoxious buildings, and the manner in which they are to be kept and constructed and generally to define. prohibit, abate and suppress and prevent all things detrimental to health, morals, safety, convenience and welfare of the inhabitants of the town.
- (15) To inspect, test, measure and weigh any commodity or articles of consumption or use within the town and to establish, regulate, license, and inspect weights, meters, measures and scales.
- (16) To establish, regulate and control a fire department, to regulate the size, height and construction of buildings, fences, walls and altered structures as public safety may require; to remove or

require to be removed any structure which by reason of dilapidation or other causes may have become dangerous to life or property and enact efficient laws to secure the safety of persons from fires in halls or buildings used for public assemblies or entertainments.

(17) To provide for the care, support and maintenance of aged,

insane, poor persons or paupers.

- (18) To establish, organize and administer public schools and libraries subject to the general laws establishing a standard of education for the State.
- (19) To prevent paupers and persons having no visable means of support or who may be dangerous to the peace and safety of the town from coming into the town and to expel any one from the town dangerous to the peace, safety and welfare of the town, and its inhabitants.
- (20) To provide for the promotion of the general health of the residents of said town, make regulations to protect the same, inspect all foods and foodstuffs and to prevent the introduction and sale in said town of any articles or things intended for human consumption, which is adulterated, impure or otherwise dangerous to health; to prevent the introduction and spread of contagious or intectious diseases, and prevent and suppress disease generally; and to establish quarantine grounds within or without the town and regulations respecting the same, subject to the laws of the State.

(21) To accept and receive unconditionally or upon conditions, absolutely or in trust, gifts, grants, bequests and devises of any kind of property real or personal for educational, charitable or public purposes and to do all things necessary to carry out the purpose of the donor in accordance with the terms and conditions of such gifts,

grants, bequests or devises.

(22) To restrain and punish drunkards, vagrants and street beggars, to prevent vice and immorality; to preserve peace and good order; to prevent riots, disorderly assemblages and suppress houses of ill-fame and gambling and punish lewd, indecent and disorderly exhibitions in the town.

(23) To license and regulate the holding of shows and their location, circuses, public exhibitions, carnivals, or fairs, or prohibit

the holding of the same within the town.

(24) To make and enforce ordinances similar to the prohibition laws of the State. No license to sell strong drink in said town, within two miles thereof, without first obtaining permit of the council and then on such terms as may be required by said council.

(25) The town is authorized to exempt by four-fifths vote of the members of the council the buildings, machinery and equipment of factories and industries from town taxes for a reasonable period of

time not exceeding ten years.

(26) To contract, own and maintain power and light and operate facilities necessary thereto and to acquire by condemnation or otherwise, within or without the town, land, water-power sites, easements, property and property rights necessary for such purposes.

(27) That the mayor and council of the town of Woodstock be, and they are hereby, authorized and empowered to borrow money for said town, not exceeding fifty thousand dollars (\$50,000.00) for the purpose of acquiring water and constructing and improving the water system of said town, and establish a sewerage system, if provided for, and to issue bonds for the corporation for the said sum to an amount not to exceed fifty thousand dollars (\$50,000) nor in a sum at any time exceeding the constitutional limitation, such bonds to be issued and sold in the manner hereinafter provided.

(28) The said bonds for the purpose aforesaid shall be registered or coupon, and shall be issued in denomination of one hundred dollars (\$100) or any multiple thereof, as the council may prescribe, and shall bear interest at a rate not exceeding six per centum per annum, payable annually or semi-annually, as the council may prescribe, and shall be payable in not less than fifteen nor more than thirty years after date, but such bonds shall be made payable at the call of the council of said town at any time after twenty years from date, provided such provision be inserted in said bond. The purchaser or purchasers of said bonds, under authority of this act, shall not be required to see to the appropriation and expenditure of the funds derived therefrom.

(29) The proceeds of sale of said bonds hereby authorized shall be applied by and under the direction of the common council of said town for the purpose of acquiring water, extending, improving and completing the water system of said town, and establishing sewerage system, together with the cost of acquiring by purchase, condemnation or otherwise such real estate and other property rights as may be necessary to be used in connection with such water and other permanent improvements, whether the same be within or without the corporate limits of said town, and the said council of the town of Woodstock is expressly authorized to acquire by purchase, condemnation or otherwise, real estate and other property rights, whether within or beyond the corporate limits of the town, as may be necessary to be used in acquiring water and in extending, improving and completing the water system of said town and establishing a sewerage system.

(30) The said bonds shall be in denomination of one hundred dollars (\$100) or any multiple thereof, as the council may prescribe; they shall be signed by the mayor and countersigned by the clerk, with the corporate seal affixed, provided that such bonds shall not

be sold at less than their par value.

The council shall have power to make annual appropriation out of the revenue of the corporation to pay the interest on the said bonds, and to provide a sinking fund for the redemption of said bonds when due or when redeemed before maturity, as atoresaid.

(31) The money received from the proceeds of said bonds shall be paid over to the treasurer of the council of said town of Woodstock, and shall be disbursed by him under the direction of the council. The treasurer aforesaid, and the surety on his official bond, shall

be liable for the amount so received as though it were a town levy, and the said treasurer shall receive for his services a commission of one-half of one per centum of all funds coming into his hands derived from the sale of said bonds.

- (32) But no bonds shall be issued under this act until the question whether the said bonds shall be issued shall be submitted to the qualified voters of said town, at an election to be held, at such time as the council may determine, under the terms, and according to the provisions of the general law prescribing the method of determining whether bonds may be issued by towns, nor unless the issuing of said bonds shall be approved by a majority of the qualified voters, voting at said election.
- (33) To prescribe any penalty for the violation of any town ordinance, rule or regulation, or any provision of this charter, not exceeding five hundred dollars, or twelve months imprisonment in jail, or both. And to carry into effect the police regulations of said town, the said town shall be allowed the use of the jail of Shenandoah county for the safe keeping and imprisonment of all persons sentenced to prison under the ordinances of said town.
- (34) Creation of wards and council.—The town shall be divided into two wards, as follows:

The first ward shall consist of that portion of the town south of Court street of the town, and the second ward shall consist of that portion of the town north of Court street of the town, and there is hereby created a council consisting of three members from each of said wards, and a mayor to be elected by both wards, numbers one and two, which shall have full power and authority, except as hereinafter otherwise provided to exercise all the power conferred upon the town and to pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and general laws of the State and of this charter.

- (35) The said mayor and six councilmen shall be elected on the sixth day of June, nineteen hundred and twenty-two, and shall serve for a term of four years from the first day of September next following the date of election and until their successors shall be duly elected and qualified. Vacancies in the council, except as otherwise provided by general laws, shall be filled within thirty days for the unexpired term by a majority vote of the remaining members. person qualified to vote in the town shall be eligible to the office of mayor and councilman. But no member of the council or other officer shall be interested directly or indirectly in the profits of any contract or work, to be financially interested directly or indirectly in the sale to the town of any land, materials, supplies or unofficial services, but this prohibition shall not apply if the council by unanimous vote of the members thereof shall declare that the best interests of the town are served despite a personal interest direct or indirect.
- (36) The council shall make such rules for its organization, government and order of business, appointment of committees, as



it may deem proper, including the times of meeting and special

meetings.

(37) The mayor shall preside at the meetings of the council and perform such duties consistent with his office and prescribed by the ordinances of the town. During his absence or disability the council shall elect a member of the council to perform the duties of the mayor. The mayor shall have the right to vote in case of a tie.

(38) On the first day of September following the regular municipal election and organization of the council, or as soon thereafter as may be practicable, the council shall elect a town attorney, superintendent of water works, town physician or health officer, overseer of the poor, chief or captain of the fire department, and such other officers as may come within their jurisdiction, each of whom shall serve for four years, or at the pleasure of the said council.

The treasurer of the town and sergeant of the town shall be elected by the qualified voters of the town at the same general election when the mayor and councilmen are elected and shall hold office for four

years, the same as the mayor and councilmen.

(39) Legislative procedure.—Except in dealing with parliamentary procedure as set forth in the ordinances, the council shall act only by ordinance or resolution and with the exception of ordinances making appropriations or authorizing the contracting of indebtedness,

shall be confined to one subject.

(40) Each proposed ordinance or resolution shall be introduced in writing or printed form and the enacting clause of all ordinances hereinafter passed by the council shall substantially be "Be it ordained by the council of the town of Woodstock." And all ordinances shall be read at two meetings not less than a week apart, one of which shall be a regular meeting and the other of which may be either an adjourned or called meeting, provided the requirement of a second reading by the affirmative vote of four members of the council may be confined to the reading of the title only, but this provision shall not apply to an emergency measure. No ordinance shall be amended unless such section or sections as is intended to be amended shall be re-enacted. The ayes and noes shall be taken and recorded upon the passage of all ordinances, and so entered upon the minutes of the proceedings of the council.

(41) No ordinance passed by the council shall take effect until at least thirty days from the date of its passage, except the council may by an affirmative vote of a majority of its members, pass emergency measures to take effect at the time indicated therein. Every ordinance passed shall be recorded by the clerk in a book kept for that purpose and shall be authenticated by the signatures of the presiding officer and the clerk. Every ordinance of a public and permanent character passed shall be published in full once within ten

days after its final passage.

(42) Nominations and elections; municipal elections.—A municipal election shall be held on the second Tuesday in June of every fourth year after nineteen hundred and twenty-two, and shall be

known as the regular municipal election for the election of mayor and six councilmen, sergeant and treasurer. All other municipal elections that may be held shall be known as special municipal elections. The elections held under this charter shall be in accordance with the general laws of the State.

The duties of the officers as elected by the council and general election shall be as defined and provided for in the ordinances

of the town, and as shown by said ordinances.

(43) Licenses and taxation.—License taxes may be imposed by ordinances on business, trades, professions and callings and upon the persons, firms, associations and corporations engaged therein and the agents thereof, except in cases where licenses or taxations are expressly prohibited by the general laws of the State. Any one who shall fail to procure the license required by the council shall be subject to such penalty as provided by ordinances of the town.

(44) General taxes.— The council may impose a tax of one dollar per annum upon the residents of the town who have attained the

age of twenty-one years. The council may also tax dogs.

(45) The council of the town of Woodstock is authorized to and shall annually order a town levy of so much as is in their opinion necessary to be raised in that way, in addition to what may be raised for licenses and from other sources, to meet the appropriations made and to be enabled to pay the indebtedness of the town and meet all of its municipal expenses, required by law to be raised. The levy or assessment shall be on all real and tangible personal property owned or possessed by any and all of the residents and corporations located in said town; provided, however, that the rate assessed does not at any time exceed the maximum rate provided by the law of the State in force at that time. The values of such property as fixed by the State shall be accepted as the basis of the taxation and assessment by the council, or as the general laws of the State may hereafter prescribe. There shall be a lien on real estate for the town taxes as assessed thereon, from the commencement of the year for which they are assessed. The council may require real estate in the town delinquent for the non-payment of taxes to be sold for taxes, with interest thereon and said council may regulate the terms on which real estate so delinquent may be sold or redeemed, provided, that such sales shall be made subject to the prior lien of the Commonwealth for taxes. And all town taxes shall be due and payable as and when similar State taxes are due and payable, otherwise by ordinance.

The town shall also have a lien for its taxes and levies upon all such corporate property as is authorized by law. All goods and chattels of any person against whom taxes for the town are assessed may be distrained and sold for said taxes when due and unpaid in the same manner and to the same extent that goods and chattels may be distrained and sold for State taxes.

(46) Franchises.—The granting of franchises by the council shall be as provided by the general law of the State, and ordinances not in conflict therewith.

(47) Public schools.—The town of Woodstock shall constitute a separate or single school district and shall have a school board of three members, elected by the council every four years, and who shall exercise and perform the duties of school trustees under the general laws of the State, except as in this charter otherwise provided. No person ineligible as school trustee under the State law shall be elected a trustee in said town.

Said school board shall perform such duties not inconsistent with their office and shall make such reports and keep such accounts of

receipts and disbursements as the council may require.

The title to all real estate acquired for public school purposes shall be taken and held in the name of the town of Woodstock or trustees of the school as elected by said council of the town of Woodstock.

(48) The present mayor and councilman, and all other officers of the town of Woodstock shall continue to hold office and to perform the duties of their respective offices for the said town for the terms for which they were elected until their successors be elected and qualify, and all liabilities, actions, claims, contracts heretofore existing under the former charter and amendatory acts under the corporate name of the council of the town of Woodstock shall remain and continue in force and effect as if this act had not been passed.

And all now in force in the town of Woodstock, not inconsistent with this charter, shall be and remain in full force until altered,

amended or repealed by the council of said town.

If, however, any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any act of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act.

- (49) The enumeration of particular powers and authority in this charter shall not be held exclusive, but the said town shall have and may exercise all other powers which are now or may hereafter be possessed or applied to towns under the Constitution and general laws of the State.
- 5. Repealing clause.—All acts and parts of acts in conflict with this charter are hereby repealed and previous charters and amendments thereto in conflict with this charter in the corporate name of the council of the town of Woodstock are hereby repealed.
- 6. By reason of the fact that it is necessary for the town of Woodstock to procure without delay additional water supply, an emergency is hereby declared to exist, and by reason thereof this act shall be in force from its passage.

CHAP. 413.—An ACT to provide for submitting to the qualified voters of the State the question of calling a constitutional convention, to be held for the purpose of revising and amending the present Constitution. [H B 366]

### Approved March 24, 1922.

- 1. Be it enacted by the general assembly of Virginia, That at an election to be held on the Tuesday after the first Monday in November, nineteen hundred and twenty-two, there shall be submitted to the electors qualified to vote for members of the general assembly the question, "Shall there be a convention to revise the Constitution and amend the same?"
- 2. The ballots to be used in said election shall be furnished by the respective electoral boards. The ballots containing the names of the candidates for the various offices to be voted for on the said date shall also have printed thereon the words "For constitutional convention," and "Against constitution convention" which shall be in such type as is provided in the general law, and shall be at least one inch below any heading or other printing on said ballot. If at any election precinct where an election is held there are candidates to be voted for but no nominations are made, the electoral board shall furnish ballots with the words "For constitutional convention" and "Against constitutional convention" printed thereon, which shall be in such type as is provided in the general law, and shall be at least one inch below any heading or other printing on said ballot.

3. A ballot deposited with the words "Against constitutional convention" erased or stricken out shall be a vote for a convention, and a ballot deposited with the words, "For constitutional convention" erased or stricken out shall be a vote against a convention.

4. The manner of receiving and canvassing said ballots and making returns and abstracts thereof shall conform in all respects to the requirements of the general election laws of the State when nominations are made, except the certificate of judges and clerks, which shall be as follows, or to like effect: "We hereby certify that at the election held on the Tuesday after the first Monday in November, nineteen hundred and twenty-two, there were \_\_\_\_\_\_votes cast against constitutional convention and \_\_\_\_\_ votes cast against constitutional convention.

Clada	T. 3 2
Clerks.	Judges."

And the proper official canvassers of general election returns shall canvass these returns in a like manner as other election returns, and the result shall be certified to the secretary of the Commonwealth as the result in other elections is certified.

5. The board of State canvassers shall meet in the office of the secretary of the Commonwealth on the fourth Monday in November, nineteen hundred and twenty-two, and shall examine the certified

abstracts of such returns, and shall make a certified statement of the whole number of votes cast for constitutional convention and the whole number of votes cast against constitutional convention, and they shall examine all the certified abstracts of returns of votes cast at said election, and shall determine and certify the number of electors voting at said election for any purpose, and whether a majority of the same were in favor of a constitutional convention; and shall subscribe their names thereto, and shall deliver the same over to the secretary of the Commonwealth, who shall record, in a suitable book to be kept in his office, such certified statement and determination, and a certified copy of the same, to be made by the secretary of the Commonwealth, shall be communicated by the governor to the general assembly at its first session ensuing thereafter.

CHAP. 414.—An ACT to amend and re-enact section 319 of the Code of Virginia.

[H B 385]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section three hundred and nineteen of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 319. The governor's staff.—The staff of the governor and commander-in-chief shall consist of thirty aides-de-camp and one chaplain to be appointed by the governor, each with the rank of colonel, but no expense arising in connection with the appointments made hereunder shall be paid out of any State, military or contingent funds.

2. An emergency existing, this act shall be in force from its passage.

CHAP. 415.—An ACT to amend and re-enact sections 6, 9, 19 and 21 of an act entitled an act to amend and re-enact the charter of the town of Culpeper, approved January 11, 1898, as heretofore amended, and to repeal sections 7 and 8 of said charter.

[H B 512]

### Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That sections six, nine, nineteen and twenty-one of an act entitled an act to amend and re-enact the charter of the town of Culpeper, approved January eleventh, eighteen hundred and ninety-eight, as heretofore amended, be amended and re-enacted so as to read as follows:

Section 6. On or before the first day of June, nineteen hundred and six, the council of the said town shall elect a town sergeant, who shall hold office during the pleasure of the council. The town sergeant can at any time be removed from office by a majority vote of the council. Upon the death, removal or resignation of the town sergeant, the council shall elect a successor who shall likewise hold office during the pleasure of the council.

The town sergeant shall be the chief police officer of the said town, and shall perform such other duties as the council may direct. He shall have power to exercise within the corporate limits of said town and in the county of Culpeper within one mile of the corporate limits of the said town, all the duties that constables can legally exercise in regard to the collection of claims, executing and levying process, and he shall be entitled to the same compensation therefor, and he or his sureties shall be liable to all fines, penalties and forfeitures that a constable is legally liable to for any failure or dereliction in his said office, to be recovered in the same manner and before the same courts that said fines, penalties and forfeitures are now recoverable against a constable.

He shall for his services receive such compensation as the council

may fix.

Section 9. Whenever a vacancy shall occur from any cause in the office of mayor, treasurer, or recorder, the council for the time being

shall at once fill the vacancy for the unexpired term.

Section 19. To carry into effect these enumerated powers, and all other powers conferred upon the said town, or its council, expressly or by implication, in this or any other acts of the general assembly of Virginia, the council shall have power to make and pass all needful orders, by-laws and ordinances not contrary to the Constitution and laws of Virginia, and to prescribe, impose and enact reasonable fines not exceeding five hundred dollars, and penalties, or imprisonments in the county jail for not exceeding six months, or both such fine and imprisonment (except that in cases of contempt the imprisonment in jail shall not be for more than thirty days). or to enforce the collection of a fine, which fines, penalties and improvement shall be recovered under the judgment of the mayor of said town or by the person lawfully exercising his functions. And the authorities of said town may, with the consent of the county court of said county, entered of record, have the right to use the jail of said county of Culpeper for any purposes for which the use of a jail may be needed by them, under the acts of council or of the State.

Section 21. The levy so ordered may be upon all male persons within said town over twenty-one years of age, not exempt from a State poll tax, and on all the real estate within the said town which is not exempt from State taxation, and on all such other subjects as may at the time be assessable with State taxes, not in conflict with general law; provided, that the tax do not exceed one dollar on every one hundred dollars of the value assessed on real and personal property, including that levied to meet the interest on the funded debt of said town, and to provide for the final payment of the principal thereof; and provided, further, that before any debt shall be created by the said council for money borrowed, the council, if it shall deem it to be to the interest of the corporation to create such debt, evidenced by a recorded vote of a majority of its members, or if fifty of the qualified voters of the town shall present to the council a petition requesting the same, shall submit to a vote of the qualified voters

of the said town the question as to whether said sum of money shall be borrowed. Said election shall be held in the manner provided for such elections by the general laws of the Commonwealth, and if a majority of the qualified voters voting at such election shall be in favor of borrowing such money, the said council shall issue for sale the bonds of the said corporation, which bonds shall in all cases be registered, and shall be issued in such denominations and bear such interest not exceeding six per centum per annum, as may be determined by the said council; said interest to be payable quarterly, semi-annually or anually, as the council may prescribe. The said council may select a depository for the money arising from the sale or negotiations of the said bonds, provided they shall require such security therefor as may be approved by the recorded vote of at least two-thirds of all of the members of the council.

- 2. Sections seven and eight of the said charter are hereby repealed.
- 3. An emergency existing, this act shall be in force from its passage.

CHAP. 416.—An ACT to provide for the appointment of a commission on simplification of State government; to prescribe the powers and duties of the commission, and to make an appropriation to enable it to execute the work assigned to it.

[S B 196]

### Approved March 24, 1922.

- 1. Be it enacted by the general assembly of Virginia, That there shall be appointed a commission on simplification and economy of State and local government, which commission shall have powers and duties hereinafter prescribed.
- 2. The said commission shall consist of nine members to be appointed as follows: Two by the president of the senate, from among the membership of the senate; three by the speaker of the house of delegates, from among the membership of the house, and four by the governor, to be chosen from the qualified voters of the State. The members of the commission shall name one of their number chairman and another secretary.
- 3. The commission aforesaid shall investigate and study in detail the organization of the government of Virginia, State and local, also all bureaus, departments and institutions and on the basis of such investigation and study, and with due regard to the accepted principles of business and political science, make recommendations to the general assembly at its session of nineteen hundred and twenty-four. Such recommendations shall include a plan for the re-organization and simplification of all of the component parts of the government, State and local, which, in the opinion of the commission, are in need thereof, including such co-operation as may seem expedient, and such elimination of unnecessary duplication in State governmental agencies both State and local as may be revealed by the investigation and study

herein mentioned. One recommendation shall be confined to such improvements as can be effected without constitutional amendments, and the other shall include such improvements as the commission may see fit to recommend, conditioned upon necessary constitutional changes, and the commission shall make such other recommendations deemed necessary to carry out the object of this bill.

4. The members of the commission aforesaid shall receive as compensation for serving thereon the sum of six dollars per diem and actual traveling and hotel expenses severally incurred in attending meetings of the commission. For the purpose aforesaid, and to enable the commission to employ necessary expert and clerical help, there is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, the sum of three thousand dollars. Disbursements authorized by this act shall be paid by the treasurer of Virginia on warrants of the auditor of public accounts issued on certificate signed by the chairman of the commission and countersigned by its secretary. The commission shall with their report submit necessary bills, and constitutional amendments, and copies of the report of the commission shall be mailed members of the general assembly for nineteen hundred and twenty-four, by December first, nineteen hundred and twenty-three.

CHAP. 417.—An ACT to provide for the audit by the State accountant or his assistants of the accountants and records of city and county officials and agencies handling State funds; to make an appropriation therefor, and to provide how the expense of such audit shall be borne; and to repeal an act entitled an act to provide for the inspection by the office of the State accountant of the accounts of city and county officials handling State funds, approved March 19, 1920. [S B 308]

# Approved March 24, 1922.

Be it enacted by the general assembly of Virginia as follows:

Section 1. At least once in every two years, beginning on the first day of July, nineteen hundred and twenty-two, and at such other times as the governor may direct, it shall be the duty of the State accountant, either in person or through his assistants, to audit all accounts and records of every city and county official and agency in this State handling State funds, making a detailed written report thereof to the governor within thirty days after each audit. Reports so made shall be public records, and the governor shall transmit to the general assembly at each regular session thereof copies of the same.

Section 2. The State accountant is hereby authorized to employ, with the approval of the auditing committee of the general assembly, such assistants as may be necessary to enable him to carry out the provisions of this act; but such assistants shall be subject to removal by the State accountant at his pleasure. It is expressly provided, however, that every locality, the accounts and records of whose offi-

cials or agencies are audited in pursuance of this act, shall re-imburse the State to the extent of one-half of the expense connected therewith, the same to be paid into the State treasury on the presentation by the State accountant of a bill therefor. All such sums so repaid shall be placed by the auditor of public accounts to the credit of the current appropriation made to the State accountant and may be used by the latter for the purpose of carrying out the provisions of this act.

Section 3. An act entitled an act to provide for the inspection by the office of the State accountant of the accounts of city and county officials handling State funds, approved March nineteenth, nineteen hundred and twenty, is hereby repealed.

CHAP. 418.—An ACT to amend and re-enact section 4695 of the Code of Virginia.

[S B 88]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section forty-six hundred and ninety-five of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 4695. Furnishing cigarettes or tobacco in any form or pistols, et cetera, to minors.—If any person sell, barter, give, or furnish, or cause to be sold, bartered, given, or furnished to any minor under eighteen years of age, a pistol or dirk or bowie-knife, having good cause to believe him or her to be a minor under eighteen years of age, or if any person sell, barter, give, or furnish, or cause to be sold. bartered, given, or furnished to any minor under sixteen years of age, cigarettes or tobacco in any form, having good cause to believe him or her to be a minor under sixteen years of age, said person shall be guilty of a misdemeanor and be fined not less than two dollars and fifty cents nor more than one hundred dollars.

CHAP. 419.—An ACT to re-imburse J. P. Taylor and J. C. Hart for barn and hay destroyed in order to capture Walter Ware who was escaping after the murder of Sheriff W. C. Bond and Sargeant Julian F. Boyer, of Orange county, Virginia. [S B 20]

# Approved March 24, 1922.

Whereas, on the twenty-third day of October, nineteen hundred and twenty-one, Walter Ware murdered Sheriff W. C. Bond and Sergeant Julian F. Boyer, of Orange county, Virginia, while the said officers were endeavoring to arrest the said Ware with warrants charging him with violations of the prohibition and the automobile laws of this State; and

Whereas, the following day parties of citizens organized and acting under the authority and directions of the county and State

officials, located the said Ware in refuge in a large hay barn of the said J. P. Taylor, filled with hay, the property of the said J. P.

Taylor and J. C. Hart; and

Whereas, after some eight or ten citizens had been shot by the said Ware in their endeavors to capture him, those in authority finally determined that it was necessary to set fire to the hay in order to save further bloodshed and force the said Ware from his place of refuge; and

Whereas, the said barn and hay was, as a result, totally and

completely destroyed; now, therefore,

1. Be it enacted by the general assembly of Virginia, That there be, and is hereby, appropriated out of any moneys in the State treasury, not otherwise appropriated, the sum of twenty-one hundred and fifteen dollars and ninety cents (\$2,115.90) to re-imburse J. P. Taylor and J. C. Hart for their loss as aforesaid; and that the auditor of public accounts be, and he is hereby, directed to draw his warrant in favor of the said J. P. Taylor and J. C. Hart for the said sum.

CHAP. 420.—An ACT to amend and re-enact section 5827, relating to the limitation of enforcement of deeds of trust and mortgages. [S B 130]

### Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-eight hundred and twenty-seven of the Code of Virginia of nineteen hundred and nineteen, relating to the limitation of enforcement of deeds of trust and mortgages be amended and re-enacted so as to read as follows:

Sec. 5827. No deed of trust or mortgage heretofore or hereafter given to secure the payment of money, and no lien heretofore or hereafter reserved to secure the payment of unpaid purchase money, shall be enforced after twenty years from the time when the obligation last maturing thereby secured shall have become due and payable; provided that the period of one year from the death of any party in interest shall be excluded from the computation of time; but the limitations prescribed by this section may be extended by an endorsement to that effect, entered upon the margin of the page of deed book on which the same is recorded, when such endorsement is duly executed by the party in whom the beneficial title to the property so encumbered is at the time of such endorsement or his duly authorized attorney in fact, or agents, and attested by the clerk of the court in which such lien is recorded, which endorsement shall be held to extend the limitations of the right to enforce said lien for twenty years from the date of such endorsement. The clerk of the said court shall index said extension in both names in the index of the deed book and on the general index in his office, and give reference to the book and page in which the original writing is recorded. This section shall not be construed to embrace any deed of trust or mortgage executed by a corporation, or any investment or loan of funds arising from the sale or other disposition of glebe lands in the several counties of the State.

CHAP. 421.—An ACT for the relief of all taxpayers in the State of Virginia whose property has been heretofore taken or acquired by the State of Virginia or any county or municipality thereof, or shall be so taken or acquired in any year subsequent hereto.

[S B 372]

### Approved March 24, 1922.

Be it enacted by the general assembly of Virginia, That all taxpayers of this State whose property, or any portion thereof, has been heretofore acquired or taken in any manner whatsoever by the State of Virginia, or any county or municipality thereof, shall be relieved from the payment of taxes and levies on such property as has been or shall be so taken or acquired for that portion of the year in which said property was or shall be so taken or acquired, from and after the date upon whish the title was or shall be vested in the said State of Virginia, or any county or municipality thereof; and the county treasurers, as to property situated in the counties, and the city treasurers and the city collectors, as to property situated in the cities, so taken or acquired, shall, so long as they are authorized by law to collect taxes in their hands, receive from and receipt to the original owner, his personal representative, heirs, successors or assigns, of the property so taken by the State of Virginia, or any county or municipality thereof, for his proportionate part of the taxes and levies for such year and credit the payment on the tax tickets, and shall return at the time he makes his returns of land and lots improperly assessed, as required by law, the proportional part of the taxes and levies exonerated from taxation for any such year, indicating on the margin of the list the date on which the property was so acquired and whether so acquired by the State of Virginia or by any county or municipality thereof. Said list, when approved by the proper authorities, shall be considered as a credit to any such treasurer or collector in the settlement of the accounts for said year. The clerk of the court of the county or city in which is recorded the transfer of title to said property shall furnish a certificate to the auditor of public accounts and to the county or city treasurer, or city collector, showing the quantity of land so taken or acquired, and whether by the State of Virginia or any county or municipality thereof, the name of the former owner, and a description of the property and the district or ward in which the property is situated, also the date of the recordation of the deed or order by which such property was taken or acquired by the State of Virginia or any county or municipality thereof, as shown by the records in his office, which certificate shall be sufficient evidence to the county and city treasurers and city collectors to authorize them to receive and prorate the taxes and levies as herein authorized.



Any such taxpayer whose property has been so taken heretofore within three years prior to the passage of this act who shall have paid his taxes and levies for the whole year shall be entitled to recover such proportion of said taxes as he would be relieved from paying under the terms of this act on any property that has been taken or acquired heretofore by the State of Virginia, or any county or municipality thereof, in the same manner as provided by law for the correction of erroneous assessments and refunding taxes erroneously charged; provided, however, that application therefor, as provided by law, shall be made to the appropriate court on or before September first, nineteen hundred and twenty-three; and any such taxpayer who has not paid the taxes or levies on such property so taken or acquired for any year prior to nineteen hundred and twenty-two shall be entitled to the pro ration of said taxes or levies and the relief as herein provided, upon application to the proper court, in the manner as provided by law for the correction of erroneous assessments and refunding taxes erroneously charged, and shall also be relieved of interest and penalties therefor, provided he shall make application to said court on or before the first day of September, nineteen hundred and twenty-three.

And any such taxpayer, as to property acquired by the State of Virginia, or any county or municipality thereof, subsequent to January first, nineteen hundred and twenty-two, who shall fail to have his taxes pro rated by the county or city treasurer or city collector, as above provided, shall be entitled to apply to the appropriate court for pro ration of said taxes, as herein provided, in the same manner and within the same time as provided by law for the correction of erroneous assessments and refunding taxes erroneously charged; provided however, that in such proceedings such taxpayer shall be entitled to relief of interest and penalties only as to the proportionate part of the said property so taken or acquired by the State of Virginia, or any county or municipality thereof.

CHAP. 422.—An ACT to amend and re-enact sections 381, 382, 384 and 385 of the Code of Virginia and to repeal section 399 of the Code of Virginia. [S B 390]

# Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That sections three hundred and eighty-one, three hundred and eighty-two, three hundred and eighty-four and three hundred and eighty-five of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 381. What books he shall keep.—He shall keep the following books: A voucher book, in which he shall enter in brief all accounts allowed by him for paper, printing, binding, ruling, lithographing, engraving, advertising, postage, dragage, expressage, and so forth; an order book, in which he shall enter each order for printing, binding, ruling, lithographing, engraving, and so forth, received by him

from any department. officer or board of the State, with a brief description of the work, the date on which it is received, when and to what contractor delivered, and the kind and quantity of paper furnished therefor; a schedule book, exhibiting in detail the cost of all printing, binding, ruling, advertising, postage, drayage, expressage, lithographing, engraving, and so forth, executed for each department, officer or board, and the quantity, cost per ream and the value of the paper used; which book shall at all times be open to the inspection of the governor, auditor of public accounts, secretary of the Commonwealth, or any member of the general assembly. He shall also keep a record of all his official acts.

-Sec. 382. How contracts for printing awarded; appeal from award.—He shall have all the printing, binding, ruling, lithographing, and engraving required by any department of the State, and authorized by law to be done, or required in the execution of any law, executed upon competitive bids, and shall award the work to the lowest responsible bidder, having due regard to the facilities and experience possessed by such bidder, and he shall give notice of the time and place of such bidding either by newspaper publication or otherwise; he shall provide schedules or blanks, stating clearly and distinctly the kind and character of the work to be done, upon which bids will be required to be submitted, which bids shall be opened at the time specified in the presence of such bidders as see fit to attend. He may let out the work either upon annual contracts or for separate items as the best interests of the Commonwealth may require, in all cases reserving the right to reject any and all bids. He shall also fix such time for the delivery of the work as to him may seem reasonable. He may, in his judgment, require the party undertaking to do the work, or any part of it, to enter into a written contract, stating distinctly the terms of the same, embracing the prices to be paid for composition, presswork, folding, stitching, ruling, binding, and all other items in detail. He shall provide in such contract that the printing is to be executed in a close and compact form, without unnecessary title pages, or useless blank pages and shall require the person or persons making such contract to enter into bond with condition for the faithful performance and execution of such contract; and in event the work so contracted for be not completed within the time specified therein, he shall deduct and retain from such contract price such per centum thereof for each day or week that such work is delayed, as he may deem proper. The bond shall be with security, and a penalty equal to the contract price for the work to be done, if a bonding or surety company be given as surety, and double the amount of such contract price in other cases. The security tendered shall be approved by the secretary of the Commonwealth, and the form of the bond by the attorney general; but no person shall be accepted as such surety who is directly or indirectly interested in any contract with the Commonwealth. All such contracts and bonds shall be made in triplicate; the original bond shall be filed in the office of the secretary of the Commonwealth, a duplicate

shall be filed in the office of the superintendent of public printing, and the triplicate furnished the contractor. Any bidder feeling himself aggrieved by an award made by the superintendent of public printing may, during the session of the general assembly, appeal to the joint committee on printing, or, in recess, to a board composed of the governor, auditor of public accounts, and secretary of the Commonwealth, which shall hear and determine the matters in said appeal; but notice of such appeal must be given the superintendent of public printing in writing, within ten days from the date of the award appealed from.

Sec. 384. What printing, et cetera, must be done.—He shall supply all the officers, departments, boards and institutions located at the seat of government, the hospitals for the insane, the State colony for the epileptic and feeble-minded, and the Catawba sanatorium with such printing, lithographing, engraving, ruling, and binding as may be required of them in their several departments for the proper conduct of the business of the State, provided, however, it shall be optional with the management of the State hospitals for the insane, the State colony for the epileptic and feeble-minded, and the Catawba sanatorium as to whether they shall have their printing and binding done through the public printer or elsewhere. He shall furnish such printing as may be ordered by either house of the general assembly. and shall also cause to be published in such papers as may be ordered, proclamations and advertisements for the officers enumerated above. It shall be the duty of the officers, departments, boards and institutions enumerated above, with the qualification above stated, to order all of their printing, binding, ruling, lithographing, engraving, and advertising upon requisition upon the superintendent of public printing, stating clearly and distinctly the description of the work, the quantity, and the time delivery is desired, and the superintendent shall enter the same in the order book required to be kept by section three hundred and eighty-one. The superintendent of public printing shall furnish the various departments and officers with the necessary blank requisitions upon which orders for printing are to be made.

Sec. 385. Payment of all bills for printing, binding, et cetera.—All accounts accruing under this chapter shall be approved by the superintendent as correct and according to contract, if that be a fact, and when so approved shall be presented to the officer for whose department the work was done or the material furnished, who shall certify the account, if found correct, to the auditor of public accounts, to be paid out of the general fund appropriated for the public printing by warrant on the treasury. During the sessions of the general assembly all accounts for printing, and so forth, for the senate or house of delegates shall be certified by the speaker of the house or the president of the senate, as the case may be, but during the recess thereof said accounts shall be certified by the superintendent of public printing. Each officer, board, department or institution, except the governor, general assembly, secretary of the Commonwealth, auditor, second auditor, treasurer, attorney-general, register of the land office.

superintendent of public printing, corporation commission, legislative reference bureau and commission of fisheries, shall, upon statements rendered by the superintendent of public printing, draw a warrant on the auditor, payable out of the funds appropriated for the maintenance of such department, institution or board into the treasury to the credit of the printing fund covering the cost of the printing, binding, ruling, and so forth, furnished such department, board or institution. For all other printing, binding, ruling, lithographing, engraving, advertising, wrapping, mailing, freight, postage, expressage, or stationery, or other material, for the payment of which no provision is otherwise made, accounts certified by the superintendent of public printing to be correct and according to contract, shall be presented to the auditor of public accounts, and, if found correct, paid by him by warrant on the treasury.

In determining amount to be paid for composition under the provisions of this chapter, nothing shall be allowed or paid for any

unnecessary blank page.

2. Section three hundred and ninety-nine of the Code of Virginia is hereby repealed.

CHAP. 423.—An ACT to create county school boards; to prescribe the powers, duties, obligations and compensation of such boards; to provide that, in counties, the county school board shall be the unit of operation of the public free school system; and to abolish district school boards in counties, and county school boards as they may exist on September 1, 1922.

Approved March 24, 1922.

Be it enacted by the general assembly of Virginia, in the manner following, that is to say:

Section 1. In each school district of a county there shall be one trustee selected in the manner provided by law, and for this purpose only each magisterial district shall constitute a separate school district.

Section 2. Any vacancy or vacancies which may occur in the county school board shall be filled for the unexpired term by appointment by the judge of the circuit court. The school trustees selected in each county as provided in section one shall constitute the county school board, and every such board is hereby declared to be a body corporate under the style of the county school board of \_\_\_\_\_\_county, and may in its corporate capacity sue and be sued, contract and be contracted with, and purchase, lease, take, hold and convey property.

Section 3. The county school board as above constituted is hereby vested with all the powers and charged with all the duties and obligations hitherto vested in, or conferred or imposed upon, the several district school boards of the particular county as well as the county school board of such county as now constituted, except as herein provided and except in so far as such powers and duties may be inconsistent with the functioning of the county school board as the unit of operation of the public free school system in the county.

Section 4. District school boards in counties, and county school boards, other than such boards as are hereby constituted, are hereby abolished, such abolishment to become effective on September first, nineteen hundred and twenty-two, and the terms of office of all members of any local school board in any county existing on September first, nineteen hundred and twenty-two, shall expire on that date. But nothing in this act shall be construed as affecting the administration of the public school system in any city or in any town now constituting, or which may hereafter be constituted, a separate school division in pursuance of law.

The trustees of any town constituting a separate school district shall be members of the county school board; provided, however, that such town shall be entitled to only one (1) vote in said county board. Nothing in this act shall be construed to affect the present plan of levying district as well as county school taxes nor to affect the obligations of any district for bond issues for school purposes or other debts peculiar to that district.

Section 5. The members of the county school board as hereby constituted shall qualify before entering upon the performance of their duties by taking the oaths of office prescribed for county officers, and shall hold their first meeting on or before September tenth following their selection. At such meeting they shall elect one of their number chairman and shall appoint some competent person as clerk, and fix his compensation.

The board shall meet at such other times as may be prescribed by law, or as necessity may require. If the board consist of an even number, the division superintendent shall have a vote on any question in the case of a tie vote.

Section 6. It shall be the duty of the county board on or before the first day of April of each year to prepare, with the advice of the division superintendent, an estimate of the amount of money which will be needed during the next scholastic year for the support of the public schools of the county. These estimates shall set up the amount of money necessary for overhead charges, for instruction, for operation, for maintenance, for auxiliary agencies, for miscellaneous, including treasurers' commissions, and for permanent capitalization. The estimates so made shall clearly show all necessary details in order that the board of supervisors and the taxpayers of the county may be well informed as to every item in the estimate.

Section 7. On the basis of the estimate mentioned in the preceding section the county school board shall request the board of supervisors to fix such a school levy as will net an amount of money necessary for the operation of the schools. If the board of supervisors refuse to lay such levy as is recommended and requested by the county school board, then, on resolution of the county school board, the judge of the court may, in his discretion, order an election by the people of the county to be held during the month of June to determine whether such levy shall or shall not be fixed.

Section 8. All money, bonds, funds and other property, real or personal, and all donations made by will, deed or other conveyance, all school lots and school buildings, and real and personal property acquired for the use of county school purposes, and for the maintenance thereof, shall by proper conveyance be vested in the said county school board.

Section 9. The county school board may in its discretion provide for a per diem not exceeding five dollars per day for each member for each day he is in attendance upon meetings of the board, not

to exceed twenty (20) days in any one year.

Section 10. The county school board shall publish on July first, or as soon thereafter as is possible, an annual statement showing all receipts and disbursements of the school fund in the county, which statement shall be published in some newspaper in the county, if there be one, and if not, in any newspaper having circulation in the county. The statement shall have the same general headings as those in the estimates presented to the board of supervisors, and shall show with reasonable detail all financial transactions with reference to the operation of the public schools.

Section 11. At a date not later than July fifteenth of each year the county school board shall make a settlement with the county treasurer, on the basis of the treasurer's accounts as of the last day of the fiscal year, namely, June thirtieth. All readjustments with reference to delinquent taxes or outstanding warrants shall be accounted for in the fiscal year beginning July first, in order that unnecessary delay may be avoided in making the annual settlement

with the treasurer.

Section 12. No federal, State or county officer, or any deputy of such officer and no supervisor shall be chosen or allowed to act as member of the county school board, provided that the provisions herein obtained, shall not apply to fourth class postmasters, county superintendents of the poor, commissioners in chancery, commissioners of accounts, registrars of vital statistics and notaries public. Each member of the board at the time of his election shall be a bona fide resident of the magisterial district from which he is elected, and if he shall cease to be a resident of said district, his position on the county board shall be deemed vacant.

Section 13. It shall be the duty of the school board to approve agents to take the census, such agents to be recommended by the division superintendent. The board shall provide for the consolidation of schools and transportation of pupils wherever such procedure will contribute to the efficiency of the school system. As trustees of school property a member of the school board may within the district from which he is elected provide for the use of schoolhouses out of school hours, during the school term, or in vacation, for any legal assembly. The board shall adopt any rules and regulations necessary to protect school property when used for such purposes. The school board may, in its discretion, permit schoolhouses to be used as voting places in any primary or regular election.

Section 14. If in the judgment of the school board the public interest demands that a schoolhouse be located on a particular spot, and if no equitable arrangements for its purchase are possible, the school board is authorized, and it shall be its duty to cause the desired parcel of land to be surveyed by a competent surveyor, and a plat of the same to be filed, together with a general statement of the case, with the clerk of the circuit court; and thereupon, on application of the school board, the same proceeding shall be had as is prescribed by law relating to the exercise of the right of eminent domain; but no parcel of land thus condemned shall exceed one acre in town, or five acres in the country. No dwelling, yards, garden or orchard shall be invaded, nor in any incorporated town any space within one hundred feet of a dwelling, nor in the country any space within two hundred yards of a mansion house, without the consent of the owner

Section 15. It shall be the duty of the school board to secure by visitation and otherwise as full information as possible about the conduct of the schools; to provide for the pay of teachers and other officers on the first of each month, or as soon thereafter as possible; to provide adequate facilities and appurtenances including necessary text books for indigent children, to see to it that proper repairs are made to the school properties; to examine all claims against the board, and when approved, order same to be paid; to pay salaries and other claims by warrant on the county treasurer, signed by the chairman of the school board, and countersigned by the clerk thereof, such warrant to state on its face the purpose or service for which it is to be paid.

Section 16. The county school board may establish all day, parttime or continuation, or evening classes giving industrial education, agriculture, household arts or commercial training, and provide for the support thereof in the same manner as the regular schools are provided for. Such training shall be of less than college grade and shall be designed to meet the vocational needs of persons over fourteen years of age who are able to profit by such instruction.

Section 17. The county school board shall on or before the first day of August of each year make a report covering the work of the schools for the year ending the thirtieth of the preceding June, on form supplied by the superintendent of public instruction.

Section 18. The county school board shall see to it that the school laws are properly explained and enforced. It shall make local regulations for the conduct of the schools and for the proper discipline of students, which local regulations shall be in harmony to the general rules of the State board of education and the statutes. The county school board shall employ teachers and place them in appropriate schools on recommendation of the division superintendent, and shall dismiss teachers when delinquent, inefficient, or otherwise unworthy. No teacher shall be employed or paid from public funds unless said teacher holds a certificate in full force, in accordance with

the rules of certification laid down by the State board of education. If a board violate this rule, the individual members of the board shall be held personally liable to refund to the public school funds any amounts paid in violation of this law, such funds to be recovered from him by suit in the name of the Commonwealth at the relation of the attorney for the Commonwealth.

The county school board is authorized to appoint a local school committee of not more than three (3) members for each schoolhouse, the intent of which committee shall be to advise members of the school board in regard to matters pertaining to the local school, and to co-operate with the county school board in provisions for the care of the school property and for the successful operation of the school, and the said committee shall serve without compensation.

Section 19. All acts or parts of acts inconsistent with this act

are to that extent hereby repealed.

CHAP. 424.—An ACT to amend and re-enact section 2072 of the Code of Virginia. [S B 387]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section two thousand and seventy-two of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 2072. Penalty for inattention or for not giving passage in reasonable time.—If at any ferry or bridge there be a failure to give any person passage over the same in a reasonable time, or a failure to give adequate attention to the operation of any ferry, the proprietor of such ferry or bridge shall be guilty of a misdemeanor, and upon conviction thereof fined not less than two dollars and fifty cents nor more than five dollars.

CHAP. 425.—An ACT to amend and re-enact sections 2, 45, 46, 61 and 69 of an act entitled an act to prevent industrial accidents; to provide medical and surgical care for injured employees; to establish rates of compensation for personal injuries or deaths sustained by employees in the course of employment; to provide methods for insuring the payment of such compensation; to create an industrial commission for the administration of this act, and to prescribe the powers and duties of such commission; to levy a tax and appropriate funds for the administration of this act, which became a law March 21, 1918.

### Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That sections two, forty-five, forty-six, sixty-one, and sixty-nine of the above entitled act, known as "The Virginia Workmen's Compensation Act," be amended and re-enacted so as to read as follows:

Section 2. In this act unless the context otherwise requires:

(a) "Employers" shall include the State and any municipal corporation within the State or any political division thereof, and any individual, firm, association or corporation, or the receiver or trustee of the same, or the legal representative of a deceased employer, using the service of another for pay. If the employer is insured it shall

include his insurer so far as applicable.

"Employee" shall include every person, including a minor, in the service of another under any contract of hire or apprenticeship, written or implied, except one whose employment is not in the usual course of the trade, business, occupation or profession of the employer; and as relating to those so employed by the State the term 'employee" shall include all officers and employees thereof, except only such as are elected by the people, or by the general assembly, or appointed by the governor either with or without the confirmation of the senate; as relating to municipal corporations and political divisions of the State, the term "employee" shall include all officers and employees thereof, except such as are elected by the people or elected by the council, or other governing body of said municipal corporation or political division, who act in purely administrative capacities and to serve for a definite term of office. Policemen and firemen except policemen and firemen in cities containing more than one hundred and seventy thousand inhabitants shall be deemed to be employees of the respective cities, counties or towns in which their services are employed and by whom their salaries are paid. Any reference to an employee who has been injured shall, when the employee is dead, include also his legal representatives, dependents and other persons to whom compensation may be payable.

Section 45. Whenever any weekly payment has been continued for not less than six weeks, the liability therefor may, in unusual cases, where the parties agree and the industrial commission deems it to be to the best interests of the employee or his dependents, or where it will prevent undue hardships on the employer, or his insurance carrier, without prejudicing the interests of the employee or his dependents, be redeemed, in whole or in part, by the payment by the employer of a lump sum which shall be fixed by the commission, but in no case to exceed the commutable value of the future installments which may be due under this act. The commission, however, in its discretion, may at any time, in the case of a minor who has received permanently disabling injuries, either partial or total, provide that he be compensated in whole or in part by the payment of a lump sum, the amount of which shall be fixed by the commission, but in no case to exceed the commutable value of the

future installments which may be due under this act.

Section 46. Whenever the industrial commission deems it expedient, any lump sum subject to the provisions of the foregoing section shall be paid by the employer to some suitable person or corporation appointed by the circuit or corporation court in the county or city wherein the accident occurred, or by such other circuit or corporation

court as may be designated by the industrial commission as more compatible with the interests and convenience of the beneficiaries, as trustee, to administer the same for the benefit of the person entitled thereto in the manner provided by the commission. The receipt of such trustee for the amount as paid shall discharge the employer

or any one else who is liable therefor.

Section 61. The award of the commission, as provided in section fifty-nine, if not reviewed in due time, or an award of the commission upon such review, as provided in section sixty, shall be conclusive and binding as to all questions of fact; but either party to the dispute may within thirty days from the date of such award, or within thirty days after receipt of notice to be sent by registered mail of such award, but not thereafter, appeal from the decision of said commission to the circuit court of the county or corporation court of the city in which the alleged accident happened or in which the employer resides or has his principal office; or if the cause be in the city of Richmond, then to the circuit or law and equity court of said city; the form and manner of said appeal shall be prescribed by the supreme court of appeals of Virginia within thirty days atter this act takes effect. The judge shall hear and determine the case within thirty days after the granting of the appeal if court be in session, and if court be not in session the judge granting such appeal shall hear and determine the case within thirty days after the beginning of the ensuing term. Appeals shall lie from such decision of the judge of the circuit or corporation court to the supreme court of appeals in the manner as now provided by law for appeals in civil cases; provided, however, that the petition for such appeal shall be presented to the supreme court of appeals or one of its judges if the court be not in session, within thirty days after the entry of the order appealed from. In such case the filing with the clerk of the appelate court of ten neatly typewritten copies of the record, duly certified by the clerk of the court from which the appeal is taken, shall be taken as a substitute for printing such record. Cases so appealed shall be placed upon the privileged docket of the court and be heard at the next ensuing term thereof wherever held. The commission of its own motion may certify questions of law to the supreme court of appeals for decision and determination by the said court. In case of an appeal from the decision of the commission, or of a certification by said commission, of questions of law, to the supreme court of appeals, said appeal or certification shall operate as a supersedeas, and no employer shall be required to make payment of the award involved in said appeal or certification until the questions at issue therein shall have been fully determined in accordance with the provisions of this act.

Section 69 (a). Every employer accepting the compensation provisions of this act shall within thirty days after this act takes effect file with the commission in form prescribed by it, and thereafter annually or as often as may be necessary, evidence of his compliance with the provisions of section sixty-eight and all others relating

thereto. Every employer that has complied with the foregoing provision and has subsequently cancelled his insurance shall immediately notify the industrial commission of such cancellation, the date thereof and the reasons therefor; and every insurance carrier shall in like manner notify the commission immediately upon the cancellation

of any policy issued by it under the provisions of this act.

(b) If such employer refused and neglects to comply with these provisions he shall be punished by a fine of ten cents for each employee at the time of the insurance becoming due, but not less than one dollar nor more than fifty dollars for each day of such refusal or neglect, and until the same ceases, and he shall be liable during continuance of such refusal or neglect to an employee either for compensation under this act or at law in the same manner as provided in section sixteen.

CHAP. 426.—An ACT to amend and re-enact section 4278 of the Code of 1919.
[S B 225]

### Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section forty-two hundred and seventy-eight of the Code of Virginia of nineteen hundred and nineteen, relating to beneficiaries of fraternal beneficiary societies, be amended and re-enacted so as to read as follows:

Sec. 4278. Beneficiaries.—Payment of death benefits shall be confined to wife, husband, relative by blood to the forth degree, fatherin-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, children by legal adoption, to a person or persons dependent upon the member, or to a fraternal charitable institution, or sanitorium. Within the above restrictions each member shall have the right to designate his beneficiary, and, from time to time, have the same changed in accordance with the laws, rules or regulations of the society, and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member; but any society may, by its laws, limit the scope of beneficiaries within the above classes. Provided, however, that where any member of a fraternal beneficiary society shall have designated as his beneficiary any such fraternal charitable institution or sanitorium, that the premium, assessment and charge therefor shall not be paid out of any funds belonging to the local chapter, lodge or camp to which such member may belong, but must be paid, if at all, by such member himself or some other person for him.

CHAP. 427.—An ACT to amend and re-enact section 39 of an act entitled an act to prevent industrial accidents; to provide medical and surgical care for injured employees; to establish rates of compensation for personal injuries or deaths sustained by employees in the course of employment; to provide methods for insuring the payment of such compensation; to create an industrial commission for the administration of this act, and to prescribe the powers and duties of such commission; to levy a tax and appropriate funds for the administration of this act, which became a law March 21, 1918, as amended by an act approved March 15, 1920. [S B 39]

### Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-nine of the above entitled act, known as "The Virginia Workmen's Compensation Act," as amended, be amended and reenacted so as to read as follows:

Section 39. If the death results from the accident within six years, the employer shall pay or cause to be paid, subject, however, to the provisions of the other sections of this act, in one of the methods hereinafter provided, to the dependent of the employee wholly dependent upon his earnings for support at the time of accident a weekly payment equal to fifty per centum of his average weekly wages, but not more than twelve dollars nor less than five dollars a week for a period of three hundred weeks from the date of the injury, and burial expenses not exceeding one hundred dollars. the employee leave dependents only partly dependent upon his earnings for support at the time of the injury, the weekly compensation to be paid as aforesaid, shall equal the same proportion of the weekly payments for the benefit of pesons wholly dependent as the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of his injury. When weekly payments have been made to an injured employee before his death the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than three hundred weeks from the date of the injury. If the employee does not leave dependent, citizens of and residing at the time of the accident in the United States or Dominion of Canada, the amount of compensation shall not in any case exceed one thousand dollars.

CHAP. 428.—An ACT to require commitment to the State board of charities and corrections of certain misdemeanants on indeterminate sentences; and to provide what disposition said board may make of such persons.

[S B 290]

Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That any female convicted, by any court or justice in this State, of prostitution, or being a keeper or inmate or frequenter of a house of ill fame, prostitution or assignation, or for soliciting for immoral purposes, or associating with or consorting with persons of ill repute or contributory delinquency or dependancy, may be committed to the State

board of charities and corrections for an indeterminate period of not less than three months nor more than three years, and said board may re-comit such females to a State institution or to such other institutions in this State as may be approved by it as being suitable for the proper care of such females, and as being equipped to give medical treatment to such of them as may be diseased, and industrial training to such of them as may be in need thereof. All such institutions, except State institutions, shall receive from the State the same fees as are allowed by law to jailers, and the records of the auditor of public accounts shall show the city or county in which each of such inmates was convicted. After the expiration of the minimum sentence of any such female, the State board of charities and corrections may at any time order the release of such female when satisfied that such release is conducive to the welfare of such female and will not be detrimental to the Commonwealth. If, however, the State board of charities and corrections finds it not possible or expedient to place such females in the institutions named above, the said board is hereby authorized to commit them to jail, or, in their discretion, to place said females on probation.

CHAP. 429.—An ACT to amend and re-enact section 7 of an act entitled an act to provide a special road law for the county of Fauquier; to provide for the working and keeping in repair of the public roads in said county and to create separate district road boards in each of the several magisterial districts of said county; to authorize the erection of tollgates and the collection of tolls upon certain public roads therein; and making certain provisions for the construction, working, maintenance, etc., of said roads, and to levy a tax for said purposes in said county and in the several magisterial districts thereof; and to repeal all special acts heretofore enacted in reference to the public roads of said county; and to validate the official acts of certain officers under the laws heretofore in effect in said county, approved March 24, 1920. [S B 362]

#### Approved March 24, 1922.

1. Be it enacted by the general assembly of Virginia, That section seven of an act entitled an act to provide a special road law for the county of Fauquier; to provide for the working and keeping in repair of the public roads in said county and to create separate road boards in each of the several magisterial districts of said county; to authorize the erection of toll gates and the collection of tolls upon certain public roads therein; and making certain provisions for the construction, working, maintenance, et cetera, of said roads, and to levy a tax for said purposes in said county and in the several magisterial districts thereof; and to repeal all special acts heretofore enenacted in reference to the public roads of said county; and to validate the official acts of certain officers under laws heretofore in effect in said county, approved March twenty-four, nineteen hundred and twenty, be amended and re-enacted so as to read as follows: Sec. 7. The board of supervisors of Fauquier county shall annu-

ally levy along with the county levy a road tax upon the property, real and personal, assessable for taxation, in the several magisterial districts, which shall be applied to the construction, the working, keeping in order, and repairing the public roads in such district. Such tax shall not be less than twenty cents upon the one hundred dollars in value of such property, and the same shall be collected, accounted for and paid out on the warrants of the several district boards, and the fund collected from each magisterial district shall be kept separate by the county treasurer, and a different rate of tax may be prescribed by the board of supervisors for the different districts in the county. The amount collected in each district shall be expended therein, and for such road purposes and in such manner as the board of said district may see fit. And in addition to the district tax aforesaid the board of supervisors of said county may annually levy along with the county levy a county road tax to be used in permanently improving the roads of said county, or to obtain the benefit of any laws which may be passed granting State money or other aid to the county or district highways or roads, or in cooperating with private subscribers for said improvements, said county road levy to be used in and apportioned throughout the county as may be decided by the said board of supervisors. And further the said board of supervisors of said county is hereby authorized, in addition to the levies aforesaid, upon the application of the road board of said district, to levy a tax in any magisterial district of said county not to exceed the sum of ninety cents upon the one hundred dollars in value of the taxable property in said district in which said tax may be levied, for the purpose of building macadam, gravel, sand-clay, or other types of permanently improved road, the construction of culverts, or the metalling and permanent grading and draining of such roads as the district road board may designate, said work to be done upon the supervision of the several district road boards, the fund derived from any such levy to be kept in a separate account by the treasurer of the county and paid out on warrant of the district road board; provided, however, that the intention to levy such tax, the amount of tax and the roads and road purposes for which it is to be used, be first published in two county papers for three successive issues.

Sec. 7½. An emergency existing, this act shall be in effect from its passage.

CHAP. 430.—An ACT to amend and re-enact sections 2143 and 2138 of the Code of Virginia.

[S B 186]

Approved March 24, 1922.

Sec. 2143. When driver, et cetera, shall keep to the right side of

<sup>1.</sup> Be it enacted by the general assembly of Virginia, That section twenty-one hundred and forty-three and twenty-one hundred and thirty-eight of the Code of Virginia be amended and re-enacted so as to read as follows:

roadway; right of way when approaching an angle.—When the operator, conductor or driver of any machine approaches a curve, bend or any place where the roadway is not plainly visible for a distance of three hundred feet ahead, he shall at all times keep his machine on the right hand side of the roadway sufficient to allow ample room on the opposite side for the passage of other machines or vehicles irrespective of whether another machine or vehicle is approaching or not. When two machines or vehicles equally distant from the point of intersection approach each other at an angle at any public road or public street crossing, the one on the right shall have the right of way.

Sec. 2138. Every machine operated on any public highway or street of this State shall be driven with ordinary care at all times, having regard to the width, traffic and use of the highways, and

the protection of life and property.

If the rate of speed of any machine being operated on any public highway of this State exceed thirty (30) miles an hour for a distance of one-eighth (1-8) of a mile, such rate of speed shall be conclusive evidence that the person operating said machine is operating the same at a rate of speed greater than is reasonable and proper and in violation of the provisions of this chapter. If the rate of speed of a machine being operated on any public highway of this State, where the operator's view of the highway and traffic is obstructed, or when approaching an intersecting public highway, or when traversing a bridge or sharp curve in either the alignment or grade of the highway, shall exceed fifteen (15) miles an hour, such rate of speed shall be conclusive evidence that the person operating such machine is operating the same at a rate of speed greater than is reasonable and proper and in violation of the provisions of this chapter.

Provided, that no machine which has a seating capacity of more than seven passengers shall be operated on any public highway of this State at a rate of speed in excess of twenty (20) miles per hour; and provided that no machine shall be operated at a speed of more than fifteen miles per hour when a street or highway passes the built-up portions of unincorporated towns or village; and provided, that no machine shall be operated at a speed of more than ten miles an hour at points on any public highway outside of incorporated towns and cities where there is a gathering of horses or persons.

Provided that when the operator of a machine overtakes any vehicle or machine and indicates his desire to pass said vehicle, or machine, it shall be the duty of the driver of said machine or vehicle to bear to the right as far as practicable and reduce the speed of said vehicle or machine to less than twenty (20) miles per hour so as to enable the machine to pass on the left hand side at a rate of speed not in excess of twenty-five (25) miles an hour.

Chap. 431.—An ACT to prevent deception in the sale of paint, turpentine, linseed oil and any substitute therefor; to provide for true labels for the same; and providing for enforcement thereof; and providing penalty for the violation thereof.

[S B 159]

#### Approved March 24, 1922.

Section 1. Be it enacted by the general assembly of Virginia, That no person, firm or corporation shall expose for sale or sell within this State any paint, turpentine, or linseed oil, or any substitute therefor, marked and branded in any manner so as to tend to deceive the purchaser thereof as to its nature or composition, or which is not labled or marked as hereinafter provided.

Sec. 2. For the purpose of this act an article shall be deemed

to be improperly marked or misbranded:

(1) If it be an imitation of, or offered for sale under the name

of, another article;

(2) If the contents of the package or container as originally put up shall have been removed in whole or in part and replaced by other contents, or if other contents shall have been placed in such package or container;

(3) If the package or container, or its label shall bear any statement, design or device regarding the ingredients or substance contained therein, which statement, design or device shall be false

or misleading in any particular.

Sec. 3. The term "paint" as used in this act shall include oxide of zinc, red lead and white lead (basic carbonate or basic sulphate), dry or in any kind of oil, or any compound intended for the same use; paste or semi-paste paint, and liquid or mixed paint for use

on buildings, fences, and structures.

Sec. 4. The label required by this act shall clearly and distinctly state, in the English language with letters and type of such size and shape as to be easily legible, the name and residence of the manufacturer of the paint, or of the distributor thereof, or of the party for whom the same is manufactured, and also the name and with substantial accuracy the percentage of each ingredient, both solid and liquid, contained therein. In the case of paint, other than white paint, where more than one coloring material is used, the several coloring materials may be shown by their combined percentage, in which case it shall be necessary to state the name and with substantial accuracy the chemical analysis of each of such constituent coloring materials; such label shall also show the net measure of the contents of the container in United States standard gallons or fraction thereof in case of liquid or mixed paints, and in weight avoirdupois in the case of paste or semi-paste paints.

Sec. 5. No person, firm or corporation shall manufacture for sale, within this State, offer for sale or sell within this State any linseed or flaxseed oil unless the same answers all the chemical tests for purity recognized in the United States Pharmacopoeia, unless the package or container of same shall be stenciled or marked plainly with letters not less than two inches in height and one inch in width



"adulterated linseed oil," provided that these letters upon packages or containers of one gallon capacity or less may be reduced to one eighth of the said size; nor shall any person, firm or corporation sell or deliver such adulterated linseed or flaxseed oil otherwise than in the original package or container without informing the purchaser at the time of the sale that the article is not pure linseed or flaxseed oil; nor shall any person, firm or corporation manufacture for sale, offer for sale or sell any linseed or flaxseed oil as "boiled linseed oil" unless the same shall have been put in its manufacture to a temperature of two hundred and twenty-five degrees Farinheit. Nothing herein contained shall be construed as prohibiting the manufacture or sale of such compound or adulterated article, provided the container is plainly marked and the purchaser notified as prescribed above.

Sec. 6. No person, firm or corporation shall manufacture for sale, within this State, offer for sale or sell within this State, under the name of "turpentine" or "spirits of turpentine" or under any name or device of which the word turpentine forms a part, any article which is not wholly distilled from rosin, turpentine gum or scrapings from pine trees, unmixed or unadulterated with any other substance, unless the package or container containing the same shall be stenciled or marked plainly with letters not less than two inches in height and one inch in width, "adulterated turpentine," except that these letters upon packages or containers of one gallon capacity or less may be reduced to one eighth of the said size; except such turpentine as may be produced from turpentine gum extracted wholly from pine wood, which turpentine is known as "wood turpentine," and except a mixture of wood turpentine and pure turpentine, as above defined, in both of which cases the package or container containing the same shall be stenciled or marked plainly "wood turpentine" with letters as prescribed above; when such wood turpentine is mixed or adulterated with oil, benzine or any other foreign substance of any kind whatsoever, the container shall be stenciled or marked plainly "adulterated wood turpentine" with letters as prescribed above. No person, firm or corporation shall sell or deliver within this State such adulterated turpentine or adulterated wood turpentine otherwise than in the original package or container without informing the purchaser at the time of the sale that the article is not pure turpentine or pure wood turpentine. Nothing herein contained shall be construed as prohibiting the manufacture or sale of such compound or adulterated article, provided the container is plainly marked and the purchaser notified as prescribed above.

Sec. 7. The having in possession by any person, firm or corporation dealing therein of any article hereinbefore described and not properly labeled and marked as provided in this act shall be considered prima facie evidence that the same is kept by such person, firm or corporation in violation of the provisions of this act and punishable under it.

Sec. 8. The commissioner of agriculture and immigration shall



be charged with the proper enforcement of this act, and shall, with the approval of the board of agriculture and immigration, have authority to establish and promulgate such rules and regulations in regard to inspection, analysis and sales of paints, turpentines and linseed oils or compounds or substitutes therefor as may be necessary and proper and as in his judgment will best carry out the provisions of this act. Said commissioner and his assistants, chemists, experts and agents shall be duly authorized for the purpose and shall have access and ingress to all places of business, stores and buildings used for the manufacture or sale of paints, turpentines or linseed oil and flaxseed oil, and shall have power and authority to open any package, can, tub, or other receptacle containing paints, turpentines, oils or compounds that may be sold in violation of this act or any section thereof.

The chemical work incident to the execution and enforcement of this act shall be done in the division of chemistry of the department of agriculture and immigration. The copy of the chemist's analysis of such samples or specimens of paints, turpentines, linseed oil and any substitutes therefor, as defined in this act, secured by the commissioner of agriculture and immigration or his assistants, duly certified to by the said chemist, shall be admitted as evidence in any court of this State on the trial of anything involving the merits of such paints, turpentines, linseed oils, and substitutes therefor. The results of such examination, analysis or test shall be published, together with the names of the manufacturer, dealer or agent whose tag or label was found attached to the container of such paints, turpentines, linseed oils, and substitutes therefor, along with such other information as may be of interest to the purchasers or to the vendors of such paints, turpentines, linseed oils and substitutes therefor.

Sec. 9. Whoever violates any of the provisions of this act or any section thereof shall be fined not les than twenty-five dollars nor more than one hundred dollars, or imprisoned in jail not more than

sixty days, for each offense.

Sec. 10. The provisions of this act shall not apply to any articles hereinbefore described which are in this. State, in the hands of manufacturers, jobbers and dealers at the time this act goes into effect.

(11) Nothing herein shall apply to sales by any manufacturer or jobber in quantities to any industrial plant, or to public service corporations, and any manufacturer, or jobber, may have on hand, keep or store in this State paints, linseed oil, or turpentine not marked or branded in accordance with this act, if the same are intended to be shipped into another State.

This act shall become effective on and after September first, nine-

teen hundred and twenty-two.

CHAP. 432.—An ACT to appropriate the proceeds of the Glebe lands and other properties belonging to the parishes of Abingdon, Ware and Petsworth districts in the county of Gloucester, and to create a corporation to hold and invest said funds and all other funds now held by the Gloucester charity school, and other donations; also to repeal all general and special laws heretofore passed in any way affecting or pertaining to the Gloucester charity school.

[S B 397]

Approved March 24, 1922.

Whereas, on account of the destruction of the records in the clerk's office of the county of Gloucester by fire in eighteen hundred and twenty-six and on account of the destruction of the records in the clerk's office of said county again in eighteen hundred and sixty-five by Federal troops, it cannot be now ascertained, what proportion of the assets of the Gloucester charity school were derived from the several sources, which contributed said assets nor precisely how it was intended by the several contributors, that the annual income from said assets should be used for the people of said county, but;

Whereas, it does appear from the acts of the general assembly from time to time in relation to said Gloucester charity school, that a considerable portion of said assets were donated by one Peasley to be used as a fund, the income from which should be used for the education of poor children in Ware and Abingdon parishes in said

county; now therefore,

1. Be it enacted by the general assembly of Virginia, That all assets belonging to the Gloucester charity school, a corporation created under the laws of the State of Virginia, shall be held and used

as hereinafter provided.

First: The division superintendent of schools of Gloucester county, the clerk of the circuit court of Gloucester county and the chairman of the board of supervisors of Gloucester county and their successors in office shall constitute a corporation to be known as the Peasley school board for the management of said funds, any two of whom shall constitute a quorum for the transaction of any lawful business and they shall each qualify and enter into bond in the sum of two hundred and fifty dollars before the circuit court of Gloucester county in the manner and form that county and district officers are required to do and upon like condition.

Second: The said board shall meet annually on some day to be fixed by them between the first and tenth days of February and audit the books of the preceding year ending on the thirty-first day of December next preceding. The said board shall meet as soon as practicable after this act takes effect and shall proceed to elect a chairman and secretary from their number and to elect some attorney to perform the duties hereinafter mentioned and to represent the board generally. All of said persons so elected by the board shall hold their respective offices so long as they remain members of the board, except that the attorney shall be elected for four years, and the said board shall likewise when said officers are elected designate either the bank of Gloucester or the First National Bank of Gloucester depository for the Peasley school board funds for the next four years.

As vacancies shall occur in the positions hereinbefore mentioned and as the terms of four years hereinbefore expire they shall be filled by said board.

Third: The said board shall also meet at such times as its business may require or as to it may seem necessary. Any member of said board being authorized to call a meeting by giving notice

verbally or by registered mail to the other two members.

Fourth: The fund under the control of the said board as here-inbefore provided shall be known as the Peasley school board fund and may by said board be loaned in such sums as the said board may see fit to individuals and secured by deeds of trust on real estate in Gloucester county, each loan to be approved by said board; said funds may be by the said board invested in United States government bonds and said funds may be loaned to the several district school boards of Gloucester county for the purpose of building, adding to or repairing school houses, said loans to be approved by the said board and secured by deeds of trust on the houses and property on which the school houses are built, added to or repaired and the several district school boards are hereby authorized to execute deeds of trust for this purpose and the same shall be valid when duly signed by the chairman and clerk of the several district school boards.

Fifth: All loans shall bear annual interest and be payable on the first day of January next succeeding the date of the deed of trust, but the said board may grant such extensions after said loans become due as they may see fit, not to exceed one year at a time so that each loan whether extended or not shall become due and payable on the first day of January of each year and if the interest on any loan be in arreas at any annual meeting of the board as provided in section one of this act, the board at their annual meeting between the first and tenth days of February shall notify the trustee in the deed of trust securing the loan on which the interest is in arrears to forthwith foreclose the same.

Sixth: All of said funds which are not loaned or invested shall be kept on deposit in the bank designated by the said board under section two of this act, subject to the check of said board drawn by its secretary and countersigned by its chairman and when any loan or any interest on any loan is paid in, it shall be by the person paying it deposited in said bank designated to the credit of the Peasley school board and a certificate of deposit shall be by the bank filed with the secretary and no member of the said board is authorized to receive any money whatsoever due to the Peasley school board except by a check drawn on said bank as hereinbefore provided.

Seventh: The net annual income from the Peasley school board fund shall be by the said board distributed at their annual meeting to the several school boards of Gloucester county, in proportion to the school population of the several school districts, to be used by said several school boards only for the purpose of paying teachers.

Eighth: The clerk of the circuit court of Gloucester county shall

be custodian of all the records of said board and the same shall at all times be kept in the clerk's office and open to public inspection and the bank heretofore mentioned shall at any time inform any inquirer the amount on deposit to the credit of said board.

Ninth: The said board may sue and be sued and notice or process may be served on or service thereof may be accepted by any member

of said board.

Tenth: The assets of said board shall not be liable for State or local taxation.

Eleventh: The said board may receive donations of money, real, personal or mixed property, but if property of any kind, the same shall be converted into money and the said board is authorized to sell and convey property of any kind, which has been donated and give a perfect title to real property, executing deed therefor as deeds of private corporation are executed. All moneys derived from such donations as are mentioned in this section shall constitute a part of the assets of said board and be held upon the same terms as the initial assets, except that the donor may designate some special school in which the annual income from his or her donation shall be used

to pay teachers.

2. All acts general or special and all laws whatsoever in any way affecting or pertaining to the Gloucester charity school are hereby repealed.

#### Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That all police justices, justices of juvenile and domestic relations courts, and civil and police justices, whether elected or appointed under general



CHAP. 433.— An ACT to enlarge and define the power and jurisdiction of police justices, justices of juvenile and domestic relations courts, and civil and police justices to admit persons to bail and fixing the compensation therefor, and to repeal an act entitled an act to enlarge and define the power and jurisdiction of police justices to admit persons to bail and fixing the compensation therefor, approved February 17, 1920. [H B 168]

law or city charter, shall have the power and jurisdiction within their respective cities or counties to admit to bail, upon recognizance with surety persons charged with crime in all cases where courts of record or the judges thereof are authorized to admit to bail; but none of the said officers shall admit to bail after any court of record having jurisdiction to admit to bail in the case, or the judge thereof, has acted upon the application or pending proceedings before said court or judge to obtain bail.

If any of said officers shall refuse to admit to bail or require excessive bail, then application for bail may be made to the court of record having jurisdiction to bail in the case, or to the judge thereof, and the same proceedings may be had as if application had

been made in the first instance to said court or judge.

None of said officers who receives a salary from his county or city, except in cities of over one hundred thousand inhabitants, by latest United States census, shall, while he is holding court or immediately prior to or after holding court while he is at the place where his court is held, charge or receive any fee for admitting any person to bail or for any service whatever rendered by him in connection with any criminal case; but at all other times said last above mentioned officers may charge and receive from the person for whom such services are rendered the same fee for admitting to bail and other services as allowed by law to justices of the peace, except that in admitting to bail in felony cases said fee shall be two dollars. Provided, any city or county may provide by ordinances for such bail fees to be collected and paid into the treasurery of such city or county.

2. An act entitled an act to enlarge and define the power and the jurisdiction of police justices to admit persons to bail and fixing the compensation therefor, approved February seventeenth, nineteen hundred and twenty, is hereby repealed.

CHAP. 434.—An ACT to amend and re-enact section 5985 of the Code of Virginia.

[H B 79]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-nine hundred and eighty-five of the Code of Virginia be amended and re-enacted as follows:

Section 5985. Who are exempt from jury service.—The governor and lieutenant governor of the State, the members of the general assembly while actually in session, practicing attorneys, licensed practicing physicians, registered practicing pharmacists, officers of any court, telegraph and telephone operators actually employed as such, all pilots licenses under the laws of the United States or of this State,



active members of the fire department of a city or town, and the active officers and native members of any fire company therein, not exceeding one hundred members in any one company; the president and vice-president of the United States, the members of both houses of Congress and their respective officers, but only while such houses of Congress are actually in session; all customhouse officers, with their clerks; all postmasters, postoffices, postriders and stage drivers, and all other persons employed in the care and conveyance of the mails of the United States; all mariners actually employed in the service of any citizen or merchant within the United States. the secretary of the Commonwealth, the attorney general, the treasurer, the two auditors, register of the land office, members, officers and clerks of the State corporation commission, the commissioner of agriculture and superintendent of public instruction, and their respective clerks, the doorkeeper of the executive, the clerk of both houses of the general assembly, the judge of any court, all professors, tutors, and pupils of public seminaries, while such public seminaries are actually in session; all ministers of the gospel licensed to preach according to the rules of their sect, undertakers who pay license tax as such, sheriffs, constables, all persons while actually engaged in harvesting or securing grain or hay or in cutting or securing tobacco, keepers of the county and corporation jails, superintendents and servants of the public hospitals and lunatic asylums, superintendent of the penitentiary, his assistants and the persons composing the guard; one cashier and two tellers of the several banks established by law, the police in cities and towns, the tipstaff and crier of the court of appeals during its sittings, all millers actually employed in the mechanical operation of any grist mill, all ferrymen necessary and personally employed in or at any ferry established by law, the six lock keepers of the Dismal Swamp canal company, all dentists in actual practice, and the active non-commissioned officers and the active members of the Virginia volunteers shall be exempt from serving on juries in civil and criminal cases; and contributing members of said volunteer companies who have contributed not less than twenty-five dollars per annum, and the citizens of Tangier, Saxes and Chincoteague islands, in the county of Accomac, and Broadwater and Cobb's island, in the county of Northampton, shall be exempt from jury service except service on grand juries. But to entitle the active officers and active members of the Virginia volunteers, as well as such contributing members of said volunteer companies, or the active officers and members of a fire department, not exceeding one hundred members for one company, to this exemption, the captain or chief officer of any company of the Virginia volunteers, or of such department, shall, annually, on the first day of May, furnish to the clerk of the circuit court of the county or corporation court of the corporation wherein such company or department is, a list containing the name of each active officer and active member of his company or department, and

where there are contributing members to his company, the name of each contributing member who has for the preceding year contributed not less than twenty-five dollars shall be likewise furnished.

CHAP. 435.—An ACT to amend and re-enact section 581 of the Code of Virginia.

[H B 462]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section five hundred and eighty-one of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 581. Establishment of art commission; members; appointment; terms of office; officers; quorum.—There shall be an art commission in and for the State of Virginia, composed of the governor, ex-officio, and four persons appointed by him. One of such members shall be appointed by the governor from a list of painters and sculptors, nominated by the governing board of the Virginia League of Fine Arts and Handicrafts, Incorporated; one from a list of architects nominated by the governing board of the chapter of the American Institute of Architects existing within the State; one from a list of persons nominated by the governing board of the University of Virginia, and one at large. The members of the commission appointed in the first instance shall choose by lot terms of office for one, two, three and four years, and their successors shall be appointed for terms of four years each, except appointments to fill vacancies. which shall be for the unexpired term. The governor shall have authority to fill all vacancies in the manner of the original appointments. The members of the commission shall serve without compensation. From their own members they shall elect such officers as may be deemed proper. Three commissioners shall constitute a quorum.

CHAP. 436.—An ACT to amend and re-enact section 2431 of the Code of Virginia as amended by an act approved March 16, 1920. [H B 419]

### Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-four hundred and thirty-one of the Code of Virginia as amended by an act approved March sixteenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Section 2431. Compensation of county and city treasurers for receiving and disbursing funds of the several counties, cities, school districts, and magisterial districts; local revenues.—Every county treasurer (and city treasurer in cases in which the law makes him collector of local revenues) shall receive for his services in receiving

and disbursing the local revenues compensation as per the following schedule:

In counties and cities in which the aggregate amount of local levies extended is less than thirty thousand dollars, the compensation of the treasurer shall be seven per centum on the amount of his collections.

In counties and cities in which the aggregate amount of local levies extended is over thirty thousand dollars but less than thirty-five thousand dollars, the compensation of the treasurer shall be six and one-half per centum on the amount of his collections.

In counties and cities in which the aggregate amount of local levies extended is over thirty-five thousand dollars but less than forty thousand dollars, the compensation of the treasurer shall be six

per centum on the amount of his collections.

In counties and cities in which the aggregate amount of local levies extended is over forty thousand dollars but less than fortyfive thousand dollars, the compensation of the treasurer shall be five and one-half per centum on the amount of his collections.

In counties and cities in which the aggregate amount of local levies extended is over forty-five thousand dollars but less than fifty thousand dollars, the compensation of the treasurer shall be five and one-quarter per centum on the amount of his collections.

In counties and cities in which the aggregate amount of local levies extended is over fifty thousand dollars but less than seventy-five thousand dollars, the compensation of the treasurer shall be five per centum on the amount of his collections.

In counties and cities in which the aggregate amount of local levies extended is over seventy-five thousand dollars but less than one hundred thousand dollars, the compensation of the treasurer shall be four and one-half per centum on the amount of his collections.

In counties and cities in which the aggregate amount of local levies extended is over one hundred thousand dollars but less than one hundred and twenty-five thousand dollars, the compensation of the treasurer shall be four and one-quarter per centum on the amount of his collections.

In counties and cities in which the aggregate amount of local levies extended is over one hundred and twenty-five thousand dollars but less than one hundred and fifty thousand dollars, the compensation of the treasurer shall be four per centum on the amount of his collections.

In counties and cities in which the aggregate amount of local levies extended is over one hundred and fifty thousand dollars but less than two hundred thousand dollars, the compensation of the treasurer shall be three and one-half per centum on the amount of his collections.

In counties and cities in which the aggregate amount of local levies extended is over two hundred thousand dollars, but less than two hundred and fifty thousand dollars, the compensation of the treasurer shall be three and one-quarter per centum on the amount of his collections.

In counties and cities in which the aggregate amount of local levies extended is over two hundred and fifty thousand dollars, the compensation of the treasurer shall be three per centum on the amount of his collections.

For the purpose of this section "local revenues" shall include funds derived from assessments of real estate, personal property, licenses, merchants' purchases, and all other subjects of taxation, whether such assessments are returned by commissioners of the revenue, examiners of records, local boards of review, or the State corporation commission, to be used for the benefit of the several counties, cities, school districts, road districts, or magisterial districts in which such assessments are made.

For the purpose of computing treasurer's compensation for receiving and disbursing local revenues, his collections of revenues for county or city purposes and his collections of revenue for school

purposes shall be treated as one fund.

General county or city bonds and district road, bridge or school bonds.—For receiving and disbursing the money derived from the sale of general county or city bonds, or district road, bridge or school bonds, the treasurer shall receive as compensation for his services one-fourth of one per centum of the amount of the proceeds of sale of such bonds, and, in addition, the reasonable costs to him of additional surety bond required to be given by him on account of such bond issue.

School funds appropriated to counties and cities by the general assembly and apportionments from the literary fund.—On money appropriated to counties and cities for school purposes by the general assembly, and on amounts apportioned from the literary fund, the county or city treasurer shall receive as compensation for his services such compensation as shall be allowed by the school boards of the counties and cities not exceeding one per centum of the amount of such school funds received and disbursed by him.

Delinquent taxes.—For receiving and disbursing amounts of delinquent taxes collected by clerks of courts and turned over by said clerks to a treasurer, the treasurer shall receive as compensation for his services five per centum of such amounts turned over to him.

For collecting delinquent taxes from taxpayers prior to sale of property for delinquent taxes, and for money received from the sale of land for delinquent taxes, the treasurer shall receive as compensation for his services ten per centum of such delinquent taxes collected by him.

State money for road purposes.—On money appropriated by the general assembly for road purposes county treasurers shall receive compensation for their services one-fourth of one per centum of such amounts received and disbursed by them.

Compensation of incoming treasurer for receiving and disbursing funds turned over to him by outgoing treasurer.—For receiving and

disbursing the money turned over to him by an outgoing treasurer, the treasurer shall receive as compensation for his services two per centum of the amount of such money turned over to him, and for collecting the tax tickets turned over to him and disbursing the proceeds thereof, he shall receive three and one-half per centum, except that on school funds turned over to him derived from appropriations by the State or apportionments of the literary fund his compensation shall be one per centum of the amounts of such funds turned over to him, and on funds derived from county, city, or district bond issues his compensation shall be one-fourth of one per centum of the amounts of such funds turned over to him.

Nothing in this section shall prevent councils of cities from fixing the amount of compensation of treasurers of said cities in cases in which said councils are empowered by law to fix amount of compensation of treasurers of said cities, on the real estate, personal property, public service corporations, and other taxes received by the State, prior to the segregation of taxes under an act approved February sixteenth, nineteen hundred and fifteen, entitled an act to segregate for the purpose of taxation, pursuant to section one hundred and sixty-nine of the Constitution of Virginia, the several kinds and classes of property so as to specify and determine upon what subjects State taxes and upon what subjects local taxes may be levied, and to provide for the continuance for the year nineteen hundred and fifteen of the present State school tax of ten cents on every one hundred dollars of the assessed value of real estate and tangible personal property, as further amended by an act approved March fifteenth, nineteen hundred and fifteen, and as further amended by an act approved March twenty-second, nineteen hundred and sixteen. but thereafter collectible for local purposes, the treasurer of cities. counties and towns shall be paid for the tax year of nineteen hundred and twenty, and for each year thereafter the same commissions as allowed by law for collection of the State revenue at the time of the approval of the act of February sixteenth, nineteen hundred and fifteen: provided, where there is a collector of taxes in any city of over fifty thousand inhabitants, the said commissions shall not be paid the treasurer of such city on taxes collected by the city collector.

Miscellaneous items.—On all funds other than those specified in the foregoing paragraphs the treasurer shall receive as compensation for his services, in receiving and disbursing such funds, one per centum of the amount of such funds. Such funds shall include the proportion of capitation taxes returned to counties and cities by the State, funds received from sales of county or district property, donations to county, city or district for any purpose (except amounts received for school libraries), loans made by boards of supervisors, city councils or county or district school boards, and all other funds ordered to be received by the treasurer by the county, city, or school authorities.

But no treasurer shall receive any commission upon money loaned from the literary fund for school improvement.



CHAP. 437.—An ACT to amend and re-enact section 3487 of the Code of Virginia, as amended by an act approved March 25, 1920. [H B 417]

## Approved March 27, 1922.

- 1. Be it enacted by the general assembly of Virginia, That section thirty-four hundred and eighty-seven of the Code of Virginia, as amended by an act approved March twenty-fifth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:
- Section 3487. Sheriffs, sergeants, criers, coroners and constables.—(1) The fees of sheriffs, sergeants, criers and constables shall be as follows:
- (2) For serving on any person a declaration in ejectment or an order, notice, summons, or other process when the body is not taken and making return thereof, fifty cents.
- (3) For summoning a witness or garnishee on an attachment, fifty cents.
- (4) For serving on any person an attachment or other process under which the body is taken and making return thereof, one dollar.
- (5) For serving a warrant under chapter two hundred and fifty, fifty cents.
  - (6) For receiving a person in jail, twenty-five cents.
  - (7) For discharging a person from jail, twenty-five cents.
- (8) For carrying a prisoner, other than a prisoner arrested for felony or misdemeanor, to or from jail, each mile of necessary travel, either in going or returning, five cents.
- (9) For removing a person, by virtue of a warrant issued under chapter one hundred and eleven by a justice, or one of the overseers of the poor (to be charged to said overseers), for each mile of necessary travel, either going or returning, five cents.
  - (10) For taking any bond, sixty cents.
- (11) When a petit juror is sworn in court, for impaneling and summoning such jury, one dollar and fifty cents.
- (12) For serving any order of court, not otherwise provided for, fifty cents.
- (13) When a jury is summoned upon a writ of ad quod damnum, or any inquest in vacation, for summoning them, one dollar.
  - (14) And for attending at the place of their meeting, one dollar.
- (15) And if the jury attend there, and a verdict or inquisition be found and returned, two dollars.

But when more than one writ of ad quod damnum is executed by the same jury in the same case upon the same summons, the sheriff shall have but one fee for summoning the jury and attending at their place of meeting and shall be allowed but one dollar additional for such additional inquisition found and returned.

(16) For serving a writ of possession, one dollar and fifty cents.

(17) For keeping and supporting any person confined in jail,

the same fees as provided in section thirty-five hundred and ten, or acts amendatory thereof.

- (18) For keeping and supporting any horse or mule distrained or levied on, for each day when stall fed, eighty cents.
  - (19) And for each day when pastured, twenty-five cents.
  - (20) For each hog or head of cattle, per day, fifteen cents.
  - (21) For each sheep or goat, per day, ten cents.
- (22) For levying an execution or distress warrant or attachment, one dollar and fifty cents.

Provided, however, that in cities having a population of more than twenty-five thousand inhabitants by the last preceding United States census or other enumeration authorized by law, the fee shall not exceed the sum of fifty cents.

The circuit court of any county or the corporation court of a corporation may, at any time, fix or alter the rates to be thenceforth paid in such county or corporation for keeping and supporting any person in jail, or any horse or live stock, but the rates so fixed or altered shall never exceed those hereinbefore mentioned. The officer shall be paid any necessary expense incurred by him in keeping property not before mentioned or in removing any property; and when, after distraining or levying on tangible property he neither sells nor receives payment, and either takes no forthcoming bond, or takes one which is not forfeited, he shall, if in default, have (in addition to the sixty cents for a bond, if one was taken) a fee of three dollars.

Unless this is more than one-half of what his commission would have amounted to if he had received payment, in which case he shall (whether a bond was taken or not), have a fee of at least one dollar, and so much more as is necessary to make the said half.

The commission to be included in a forthcoming bond, when one is taken, shall be ten per centum on the first one hundred dollars of the money for which the distress or levy is; five per centum on the next four hundred dollars, and two per centum on the residue of said money; but such commission shall not be received unless the bond is forfeited or paid (including the commission) to the plaintiffs, and of whatever interest accrue on such bond, or the execution of judgment thereon, the officer shall be entitled to his proportionable share thereof, on account of his fees included in said bond. An officer receiving payment under an execution or other process in money, or selling goods, shall receive the like commission of ten per centum on the first one hundred dollars of the money paid or proceeds from the sale, five per centum on the next four hundred dollars, and two per centum on the residue; except that when such payment or sale is on execution on a forthcoming bond, his commission shall only be half what it would be if the execution were not on such bond.

In cities of sixty thousand inhabitants and more, however, the commission to be included in a forthcoming bond, when one is taken,

shall be ten per centum on the first one hundred dollars of the money for which the distress or levy is, and two per centum on the residue of said money; but such commission shall not be received unless the bond is forfeited or paid (including the commission) to the plaintiffs, and of whatever interest may accrue on such bond, or the execution of judgment thereon, the officer shall be entitled to his proportionable share thereof, on account of his fees included in said bond. An officer receiving payment in money or selling goods shall receive the like commission of ten per centum on the first one hundred dollars of the money paid or proceeding from the sale, and two per centum on the residue, except that when such payment or sale is on an execution on a forthcoming bond, his commission shall only be half what it would be if the execution were not on such bond.

2. All acts and parts of acts in conflict herewith are hereby repealed.

CHAP. 438.—An ACT to amend and re-enact section 4801 of the Code of Virginia.

[H B 44]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section forty-eight hundred and one of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 4801. Their authority and jurisdiction; what evidence of their office.—The jurisdiction and authority of said police shall extend no further than the limits of the county in which they are appointed, and a copy of the order of appointment made by the court, attested by the clerk of such court, shall in all cases be received as evidence of their official character. Provided, that the authority of said police shall extend throughout the State, when actually in pursuit of persons accused of crime, and when acting under authority of a duly executed warrant for the arrest of persons accused of committing crime.

CHAP. 439.—An ACT to amend and re-enact section 6046 of the Code of Virginia.

[H B 212]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section six thousand and forty-six of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 6046. Remedy by motion after fifteen days' notice, in lieu of action at law; when notice to be returned to clerk's office; rules applicable to—Any person entitled to maintain an action at law may, in lieu of such action at law, proceed by motion before any court which would have jurisdiction of such action, after not less than

fifteen days' notice, which notice shall be in writing, signed by the plaintiff or his attorney, and shall be returned to the clerk's office of such court within five days after service of the same, and when so returned shall be forthwith filed and the date noted thereon, and shall be docketed on the return day thereof. But the notice shall not be sent out of the county or city in which the judgment is to be asked except in those cases in which process can be so sent out under the provisions of section six thousand and fifty-five and six thousand and fifty-six. The return day of a notice under this section shall not be more than ninety days from its date, unless the commencement of the next succeeding term of court be more than ninety days from such date, in which case the return day may be some day of such term.

The defendent may make the same defenses to the notice as to a declaration in any action at law, and in the same manner, or he may state his grounds of defense informally in writing, and in the latter event the parties shall be deemed to be at issue on the grounds stated without replication or other pleading on the part of the plaintiff. No plea in abatement under this section shall be received after the defendant has demurred, pleaded in bar or filed such statement of his grounds of defense.

If the motion be upon an account, the plaintiff shall file with the notice an account, stating distinctly the several items of his claim, unles they be plainly described in the notice, and if the plaintiff file with such account an affidavit such as is prescribed by section sixtyone hundred and thirty-three, on the part of the plaintiff in an action of assumpsit, no plea in bar or defense to the merits shall be received on the part of the defendant unless accompanied by such affidavit as is prescribed by the last mentioned section on the part of the defendant in an action of assumpsit. If such plea and affidavit be not filed by the defendant, the plaintiff shall, upon motion made in open court, be entitled to a judgment for the amount claimed in the affidavit filed with his notice, and no further proof of the plaintiff's claim shall be necessary. If such plea or defense and affidavit be filed and the affidavit admits that the plaintiff is entitled to recover from the defendant a sum certain less than that stated in the affidavit by the plaintiff, judgment may be taken by the plaintiff for the sum so admitted to be due, and the case be tried as to the residue.

Upon any motion under this section the same rules shall apply with reference to bills of particulars and grounds of defense, as are now provided by law in other actions or motions.

CHAP. 440.—An ACT to regulate the confession of judgment in the office of the clerk of any court of record in the Commonwealth of Virginia and to prescribe the procedure thereon. [H B 313]

## Approved March 27, 1922.

- 1. Be it enacted by the general assembly of Virginia, That: (a) Any person being indebted to another person, may, at any time confess judgment in the clerk's office of any court of record in this Commonwealth, whether a suit, motion or action be pending therefor or not, for so much principal and interest as his creditor may be willing to accept a judgment for, which judgment, when so confessed, shall be forthwith entered of record by the clerk in whose office it is confessed, in the proper order book of his court, and shall be as final and as binding as though confessed in open court or rendered by the court, subject to the control of the court in which rendered, and may be set aside only for fraud or other like taint.
- (b) The clerk shall enter on the margin of the record of such judgment, the day and hour when the same was confessed and the lien thereof shall attach and be binding from the time of such confession so entered.
- (c) Such confession of judgment may be made either by the debtor himself or his duly constituted attorney in fact acting under and by virtue of a warrant duly executed and acknowledged by him as deeds are required to be acknowledged, before any officer or person authorized to take acknowledgments of writings to be recorded in Virginia, and of the following tenor, to-wit:

"To the clerk of the \_\_\_\_\_ court of the \_\_\_\_\_
of \_\_\_, in the Commonwealth of Virginia, greeting:

I, A. B. (or A. B. and C. D. and so forth), hereby acknowledge myself (br ourselves) to be justly indebted to (name of creditor) in the sum of \_\_\_\_\_\_\_ dollars and \_\_\_\_\_\_ cents (\$\_\_\_\_\_\_) with interest thereon from the \_\_\_\_\_\_ day of \_\_\_\_\_\_, 19\_\_\_\_, as to which obligation I, (or we) hereby waive the benefit of my (or our) homestead exemptions; and be it known to you, that I (or we) do hereby constitute and appoint (name of attorney in fact) my (or our) true and lawful attorney in fact for the purpose of, and I (or we) do hereby vest him with full power and authority to personally appear for me (or us) and confess judgment before you in your office, against me (or us) in favor of the aforesaid (name of creditor) for the said sum of \$\_\_\_\_\_\_, with interest thereon from the said \_\_\_\_\_\_ day of \_\_\_\_\_\_, until paid, and the cost of this proceeding, with waiver of homestead exemptions as aforesaid.

Given under my	(or our) hand	1 and	seal,	this .	
day of,	19				
		(S	ignatures	and s	seals)"

### (Certificate of acknowledgement)

(d) On the presentation of such warrant by the person therein named as attorney in fact, or upon the personal appearance of the debtor or debtors and the expression by him or them of his or their desire to confess such judgment, the clerk shall draw and require the said attorney in fact, or the debtor or debtors, as the case may be, to sign a confession of judgment, which shall be in form, as follows:

"Virginia: In the clerk's office of the \_\_\_\_\_ court of \_\_\_\_\_,

to-wit:

I (or we), A. B. (or A. B. and C. D., and so forth), hereby acknowledge myself (or ourselves) to be justly indebted to, and do hereby confess judgment in favor of (name of creditor) in the sum of \_\_\_\_\_ dollars and \_\_\_\_ cents (\$\_\_\_\_\_) with interest thereon from the \_\_\_\_\_ day of \_\_\_\_, 19\_\_\_, until paid, and the cost of this proceeding, hereby waiving the benefit of my (or our) homestead exemptions as to the same.

Given under my (or our) hand \_\_ and seal \_\_, this \_\_\_\_ day

of \_\_\_\_\_, 19\_\_\_\_.

(Signatures and seals)"

or, if by an attorney in fact, signatures and seals of creditors,

his (or their) attorney in fact.

(e) When a judgment is so confessed, the clerk shall endorse upon such confession, or attach thereto, his certificate in manner and form following, to-wit:

"Virginia: In the clerk's office of the \_\_\_\_\_ court of the .\_\_\_\_ of \_\_\_\_, the \_\_\_\_ day of \_\_\_\_, 19\_\_\_

The foregoing (or attached) judgment was duly conferred before me in my said office on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M., and has been duly entered of record in common law order book number \_\_\_\_\_, page \_\_\_\_\_

- Teste: \_\_\_\_\_ Clerk."

  (f) The said confession and clerk's certificate, together with the warrant, if the confession be by attorney in fact, shall be securely attached together by the clerk and filed by him among the records in his office.
- (g) The clerk shall forthwith docket such judgment in the current judgment lien docket in his office, and shall issue execution thereon as he may be directed by the creditor therein, or his assigns, in the manner prescribed by law.

(h) The following fees, and no other, shall be taxed by the clerk as and for the costs of such proceeding:

The statutory writ tax\_\_\_\_\_\$
For the attorney in fact, when there is one\_\_\_\_\_\_2.50 For the clerk for certificate as to confession\_\_\_\_\_ For the clerk for entering judgment on order book\_\_\_\_\_\_.50

For the clerk for noting date of confession on margin of order	
UUVR	25
For the clerk for filing all papers	50
For the clerk for docketing the judgment and issuing execution, t	he
same fees allowed by law for docketing judgments rendered	in
court and issuing executions thereon.	•
(i) All acts and parts of acts in conflict with this act are here	by

repealed.

CHAP. 441.—An ACT to amend and re-enact section 1569 of the Code of Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifteen hundred and sixty-nine of the Code of Virginia be amended and re-enacted so as to read as follows:

Sestion 1569. Duties of undertaker.—The undertaker, or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the local registrar of the district in which the death occurs, and for securing a burial or removal permit, prior to any disposition of the body, except as otherwise provided in this chapter. He shall obtain the personal and statistical particulars required from the person best qualified to supply them, giving the name and address of his informant. He shall then present the certificate to the attendant physician, if any, or to the health officer or coroner, as directed by the local registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record as specified in the two preceding sections. He shall then state the facts required relative to the date and place of burial, over his signature and with his address and present the completed certificate to the local registrar in order to obtain a permit for burial, removal or other disposition of the body. The undertaker shall deliver the burial permit to the sexton, or person in charge of the place of burial, before interring or otherwise disposing of the body; or he shall dispose of the transit permit as provided by law for the transportation of corpses in this State when shipped by a transportation company; said permit to accompany the corpse to its desired destination, and if the burial shall take place within this State, the removal permit shall be delivered to the sexton or other person in charge of the place of burial.

Any dealer, carpenter, or other person who shall sell a coffin for the burial of a dead person, shall deliver to the purchaser a certificate of death filled out as completely as possible, and instruct the purchaser, that after supplying any omitted information either statistical or medical, to deliver said certificate to the local registrar of the district in which the death occurred, and obtain from the said registrar a burial or transit permit before interment, removal. or other disposition of said body is made.

If for good reason the doctor's or coroner's certificate of death.

or that of the person acting as coroner, cannot be obtained, the purchaser or person acting as undertaker shall file with the local registrar a provisional certificate of death upon which the registrar shall issue a burial or transit permit on condition that a completed certificate of death will be filed within ten days with the registrar of the district in which the death occurred.

Each dealer, carpenter, or other person selling coffins shall furnish the State registrar at the end of each month, a list of sales for the month, of coffins in cases in which death certificates have not been filed with the local registrar.

This list must include the names and address of the purchasers, names, color, age and sex of deceased, and dates of deaths.

CHAP. 442.—An ACT to amend and re-enact section 6322 of the Code of Virginia.

[H B 83]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section sixty-three hundred and twenty-two of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 6322. Equity of bill for injunction to be shown by affidavit or otherwise; notice to adverse party, of application for, may be required.—No injunction shall be awarded in vacation or in court, in a case not ready for hearing, unles the court or judge shall be satisfied, by affidavit or otherwise, of the plaintiff's equity; any court or judge may require that reasonable notice be given to the adverse party, or to his attorney at law or in fact, of the time and place of moving for it, before the injunction is granted, if, in the opinion of the court or judge, it be proper that such notice be given, which notice, when so required and given, as well as any other notice which may be given, whether so required or not, of a motion for an injunction, shall be in writing and shall set forth the grounds upon which such injunction will be asked to be awarded.

CHAP. 443.—An ACT to amend section 5281 of the Code of Virginia. [H B 84]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-two hundred and eighty-one of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 5281. When partition cannot be made, there may be sale of all or part; proceedings in case of sale; how proceeds distributed or invested; effect of sale on right of curtesy and dower.

In any case now pending or hereafter brought, when it shall appear to the satisfaction of the court that partition of the entire

subject, or of any distinct or independent part thereof, cannot be conveniently made to advantage, the court, notwithstanding the fact that some of those entitled may be infants or insane persons, may order a sale of the entire subject, or of such distinct or independent part thereof as cannot be so partitioned, as the case may be, and make distribution of the proceeds of sale according to the respective rights of those entitled, taking care, when there are creditors of any deceased person who was a tenant in common, joint tenant or co-parcener, to have the proceeds of such deceased person's part applied according to the rights of such creditors; and when there are liens by judgment or otherwise, on the interest of any party, the court may, on the petition of any person holding a lien, ascertain the liens and apply the dividend of such party in the proceeds of sale to the discharge of such liens so far as may be necessary for that purpose.

When any such sale shall be so made and the dividend of any infant or insane party shall exceed the sum of five hundred dollars, the court shall order the same to be invested as the proceeds of sale under chapter two hundred and seventeen are required to be invested. If such dividend does not exceed five hundred dollars, the same shall be paid to the guardian of such infant or to the committee of such insane person, the court being first satisfied that such guardian or committee has given bond in sufficient penalty and with sureties sufficient for the security of the same; or the court may, in its discretion, and without the intervention of a guardian, cause the dividend of any infant, when such dividend does not exceed five hundred dollars, to be paid direct to such infant, or to one of its parents or to some other person for its benefit, under the provisions of section fifty-three hundred and forty-three.

If the interest of any person be held in trust, the dividend of such person, whatever amount it may be, shall be paid to the trustee upon his giving bond as such trustee, with sufficient surety, to be held by him upon the same trust as the interest of such person in the land so sold, was held.

A sale of land so made by order of the court shall operate to extinguish the contingent right of dower of the wife in the share of her husband in the land so sold, and to extinguish the contingent right of curtesy of the husband in the share of his wife in the land so sold, whether such wife or husband, as the case may be, be made party to the suit or not.

CHAP. 444.—An ACT to repeal section 6326 of the Code of Virginia. [H B 85]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section sixty-three hundred and twenty-six of the Code of Virginia be, and the same is, hereby repealed.

CHAP. 445.—An ACT to amend and re-enact section 6317 of the Code of Vir-

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section sixty-three hundred and seventeen of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 6317. Awarding and dissolving injunctions in certain cases. -When any court or judge authorized to award injunctions, shall grant a tempory injunction, either with or without notice to the adverse party, such court or judge shall prescribe in the injunction order, the time during which such injunction shall be effective and at the expiration of that time, such injunction shall stand dissolved unless, before the expiration thereof, it be enlarged, which may be done, or a further injunction granted, by the court in which the cause is pending or by the court or judge to whom the bill is addressed, in the event the cause be not matured, after reasonable notice to the adverse party, or to his attorney at law or in fact, of the time and place of moving for the same; and any such court, in which a cause is pending, or to which or to the judge of which, a bill is addressed, wherein an injunction has been awarded, or the judge of such court, in vacation, may at any time when such injunction is in force, dissolve the same, after reasonable notice to the adverse party, or to his attorney at law or in fact, in which notice shall be set forth the grounds upon which such dissolution will be asked, unless such grounds be set forth in an answer previously filed in the case by the party giving such notice.

Any such order enlarging an injunction or granting a further injunction or dissolving an injunction, when made in vacation, shall be directed to the clerk of the court to which, or to the judge of which, the bill is addressed, who shall record the same in the proper order book of such court.

From any order dissolving such injunction or refusing to grant a further injunction, there shall be no appeal; but this section shall not be construed so as to prevent either party from applying to a judge of the supreme court of appeals for an injunction as provided in section sixty-three hundred and twenty, who may award an injunction in accordance with that section.

CHAP. 446.—An ACT to amend and re-enact section 3513 of the Code of Virginia. Approved March 27, 1922.

<sup>1.</sup> Be it enacted by the general assembly of Virginia, That section thirty-five hundred and thirteen of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 3513. Costs collected of defendant or prosecutor in criminal case, how disposed of.—All costs in a case of felony, if there is a judgment for the same against the defendant or the prose-

cutor (other than the Commonwealth) shall, when collected, be paid by the officer collecting the same to the clerk of the court in which the judgment was rendered, or to whom a justice of the peace has certified costs, and shall be paid by such clerk into the State treasury. All costs in a case of misdemeanor, if there be a judgment for the same against the defendant or the prosecutor (other than the Commonwealth) shall, when collected, be paid by the officer collecting the same, to the clerk of the court in which the judgment was rendered, or to whom a justice of the peace has certified costs, and shall be paid by the clerk as follows: If it be a case in which costs have been allowed out of the State treasury, then the clerk shall pay the cost into the State treasury, but if it be a case in which costs have not been allowed out of the State treasury, then the clerk shall pay the amounts to the several parties entitled thereto.

CHAP. 447.—An ACT to amend and re-enact section 2854 of the Code of Virginia, as amended by an act approved March 16, 1920. [H B 136]

#### Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-eight hundred and fifty-four of the Code of Virginia, as amended by an act approved March sixteenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 2854. Courthouse, clerk's office and jail to be provided by supervisors and council; offices for certain other officers may be provided; vacant rooms may be let for offices and provisions made for public entertainments; buildings may be leased for private purposes, or used for market houses or other public purposes.—There shall be provided by the board of supervisors for every county and the council for every city a courthouse, clerk's office and jail, the cost thereof, and of the land on which they may be, and of keeping in the same in good order, shall be chargeable to the county or city; the fee simple of the lands shall be in the county or city, and the supervisors of the county or the council of the city, may purchase so much land, as, with what it has, will make two acres, whereof what may be necessary for the purpose, shall be occupied with the courthouse, clerk's office and jail and the residue planted with trees and kept as a place for the people of the county or city to meet and confer together. But the board of supervisors of any county may, if they deem it expedient, acquire, in addition to the two acres aforementioned, as much as ten acres of land, at any point within their county to be used for agricultural and school fair purposes, or the council of each city shall, if there be offices in the courthouses of the respective counties and cities, available for such purposes, provide offices for the treasurer, Commonwealth's attorney, sheriff, commissioner of the revenue, commissioner of accounts and division superintendent of schools for such county or city, and if such offices

are not available in the courthouse, same may be provided by said board of supervisors or council, if they deem it proper, elsewhere than in the courthouse of said county or city; and with the approval of the judge of the circuit or corporation court, any vacant rooms in the courthouse, after furnishing offices to the said officers, may be rented for a term of not exceeding one year to other parties for office purposes, and any public room or hall in the building may be hired for compensation for the purpose of giving public entertainments, and all moneys received by the counties or cities under this section, shall constitute a fund to maintain and care for such building. Furthermore, where the board of supervisors of any county or the council or other governing body of any city, in providing land for the courthouse, clerk's office, and jail purposes, has purchased land, a part of which had valuable buildings thereon when purchased and that portion of the land so occupied by such buildings is, in the discretion of such board, council, or other governing body, not required for said purposes, such board, council, or other governing body, if deemed proper by it, may either lease such building or buildings for private purposes, or remodel and use the same for a market-house or for other public purposes, or both, although such lease or use may reduce the total to less than two acres, and although as much as two acres may never have been acquired, but such lease or use shall be first approved by the judge of the circuit court of the county, or of the corporation court of the city, as the case may be, and such lease or use shall be terminated when, in the opinion of such judge such building or buildings, or the land occupied by same, is needed for the purposes of a courthouse, clerk's office or jail.

2. An emergency existing, this act shall be in force from its passage.

CHAP. 448.—An ACT to amend and re-enact sections 3102, 3105 and 3106 of the Code of Virginia, 1919. [H B 314]

# Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That sections thirty-one hundred and two, thirty-one hundred and five and thirty-one hundred and six of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 3102. Jurisdiction.—The jurisdiction of the civil and

police justice shall be as follows:

(a) The said civil and police justice shall be a conservator of the peace within the corporate limits of the city for which he is elected, and for one mile beyond the corporate limits of such city, and within such limits shall have exclusive original jurisdiction for the trial of all offenses against the ordinances of said city, and shall have concurrent jurisdiction with the corporation court of said city in all cases of violations of the revenue and election laws of the

State, except chapter one hundred and eighty-four, and all offenses arising under the provisions of chapter one hundred and eighty-five, of sections forty-five hundred and seventy-two, forty-five hundred and seventy-three and forty-five hundred and seventy-four, and, except when it is otherwise specially provided shall have exclusive original jurisdiction for the trial of all other misdemeanor cases occurring within his jurisdiction.

(b) The said civil and police justice shall have exclusive jurisdiction in all civil matters cognizable by justices of the peace for the counties, and shall in addition thereto have concurrent jurisdiction with the circuit and city courts of general jurisdiction of any claim to damages for any injury done to the person, which would be recoverable by action at law, if such claims do not exceed three hundred dollars. No other justice of the peace in such city shall hereafter exercise such jurisdiction as is herein conferred on said

civil and police justice, except as provided in this chapter.

(c) The said civil and police justice shall also have jurisdiction to try and decide attachment cases where the amount of the plaintiff's claim does not exceed the general jurisdiction of said civil and police justice, and the proceedings on any such attachment shall conform to the provisions of chapter two hundred and sixty-nine of the Code of nineteen hundred and nineteen; save when an attachment other than under section sixty-four hundred and sixteen is returned executed, and the defendant has not been served with a copy thereof, the said civil and police justice, upon affidavit in conformity with sections sixty-two hundred and sixty-nine of the Code of nineteen hundred and nineteen, shall forthwith cause to be posted at the front door of his court room a copy of the said attachment, and shall file a certificate of the fact with the papers in the case, and in addition to the said posting, the plaintiff, in the said attachment, or his attorney, shall give to the clerk of the said civil and police justice the last known address or abode of the said defendant, verified by affidavit, and the said clerk shall forthwith mail a copy of the said attachment to the said defendant, at his, or her, last known address, or place of abode; or, if said defendant be a corporation, at its last known address, and the mailing of the said copy as aforesaid shall be certified by the said clerk in writing, and such certificate shall be filed with the papers in the case, and after the said copy of the attachment has been so posted and mailed, as aforesaid, for fifteen days the said civil and police justice may proceed to try and decide the said attachment.

Section 3105. Procedure.—All procedure under this chapter in claims and proceedings of which the civil and police justice is given jurisdiction by sub-section "b" of section thirty-one hundred and two, except so far as herein otherwise provided, shall conform to the chapter concerning warrants for small claims, except that warrants for small claims may also be made returnable before such civil and police justice, if the defendant, or one of them, if there be more than one defendant, is regularly employed or has his regular place



of business in such city or if the cause of action arose therein; except that on motion of either party the adverse party may be required to file particulars of the claims on the grounds of the defense as provided in section sixty hundred and ninety-one, and except that the proceedings in a cause wherein an infant or an insane person is a party shall not be stayed because of such infancy or insanity, but the civil and police justice before whom such suit is pending shall appoint some discreet and competent attorney at law as guardian ad litem to such infant or insane defendant, whether such defendant shall have been served with process or not; or if no such attorney be found willing to act, the civil and police justice shall appoint some other discreet and proper person as guardian ad litem who shall faithfully represent the interest or estate of the infant or insane person for whom he is appointed; but the said guardian ad litem so appointed shall not be liable for costs. The civil and police justice rendering any judgment may issue a writ of fieri facias thereon, immediately, if there be not a new trial granted, nor an appeal allowed, nor a stay of execution; and the said civil and police justice may from time to time renew such writ either before or after the

expiration of one year from the date of the judgment.

Section 3106. Appeals and removals.—In all misdemeanors triable before such civil and police justice under the provisions of this chapter, there shall be an appeal from his judgment to the corporation court of his city, as now or hereafter provided by law for appeals from the judgment of a justice of the peace for the counties. In all civil cases triable before such civil and police justices no removal to any other court shall be allowed, but in all cases over twenty dollars, exclusive of the interest, there shall be an appeal of right to any of the courts exercising generally original common law jurisdiction in such civil cases in his city, and all such appeals shall be tried and judgment rendered as provided by section sixty hundred and thirty-eight, but no appeal shall be granted unles and until the party applying for the same has given bond, with sufficient surety, to be approved by the said civil and police justice, to abide the judgment of the court upon the appeal, if such appeal be perfected, or if not so perfected, then to satisfy the judgment of the said civil and police justice, judgment against such surety, when the appeal is not perfected, to be entered under section six thousand and twenty-The party taking such an appeal may direct to which of said courts said appeals shall be sent for trial where there are more than one of such courts, and in the absence of such directions, the said civil and police justice may send the same to any court having jurisdiction, and the clerk of said court, upon receipt of the papers in any such appeal case, shall, upon payment of the writ tax, forthwith docket such case in its regular order; but if said writ tax be not so paid within thirty days from the date of the judgment, the said appeal shall thereupon stand dismissed, and the said judgment shall become final, and the said papers, upon application of any party in interest, shall be returned to the said civil and police justice by the clerk of the appellate court. Appeal cases shall not have preference over other cases pending in such appellate courts as regards the time of the trial.

CHAP. 449.—An ACT to provide for the incorporation, establishment and operation of loan and savings institutions known as "credit unions." [H B 407]

#### Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That credit unions may be hereafter incorporated and operated in this State under the following conditions:

Sec. 1. Incorporation and by-laws.—Any eight persons, residents of the State of Virginia, may, by executing, filing and recording a certificate as provided for in chapter one hundred and forty-eight of the Code of Virginia, except as otherwise herein provided, establish a corporation for the purpose of accumulating and investing the savings of its members, making loans to members for provident purposes, and generally conducting a credit union as hereinafter provided. Every corporation organized under this act shall include in the corporate name the two words "credit union" and other distinguishing word or words shall be used.

Immediately after the granting of the certificate of incorporation by the State corporation commission, the incorporators or members shall adopt a set of by-laws in conformance with this act, and shall file a copy of the same with the banking department of the State corporation commission. When the by laws are filed with and approved by the chief bank examiner, the minimum amount of capital stock subscribed for, and all requirements of law as to organization are complied with, the State corporation commission shall thereupon issue a certificate authorizing the credit union to commence business.

The by-laws shall specify: (a) The date of the annual meeting, which shall be in January of each calendar year, requirements as to notice and matter of conduct of meeting; (b) the number of directors, which shall be not less than five, all of whom must be shareholders and members of the corporation, their powers and duties, and the compensation and duties of all officers; (c) the conditions and qualifications for membership; (d) the number of members of the credit committee and of the supervisory committee, with their respective powers and duties; (e) the conditions upon which shares may be issued, transferred and withdrawn; (f) the charges, if any, to be made for failure to meet obligations punctually; (g) the conditions upon which deposits may be received and withdrawn, and whether the corporation shall have the power to borrow; (h) the manner in which the funds of the corporation may be invested; (i) the conditions upon which loans may be made and repaid; (j) the method of receipting for money paid in on account of shares, deposits or loans; (k) the manner in which the reserve fund shall be accumulated; (1) the manner in which dividends shall be determined and paid out.

The State corporation commission, through the chief bank examiner, shall have the power to require the credit union to amend or change its by-laws, should such seem desirable, and upon the refusal of any credit union so to do, its license to operate shall be suspended by the State corporation commission.

Sec. 2. Amendments to by-laws.—The by-laws when so approved and filed shall be the by-laws of the corporation and no amendments shall be operative unless same shall conform to the provisions of this

act and be approved by the chief bank examiner.

Sec. 3. Restriction of term "credit union."—The use by any person, copartnership, association or corporation, except corporations formed under the provisions of this act, of any name or title which contains the words "credit union," shall be a misdemeanor, and punishable by a fine of not less than ten nor more than one hundred dollars for each day of the illegal use of such name, and may be enjoined by any court having equity jurisdiction over the party or parties.

Sec. 4. Powers.—The credit union may receive the savings of its members in payments for shares or on deposit; may loan to its members or may undertake such other activities relating to the purposes of the corporation as its charter or by-laws may authorize,

not inconsistent with the provisions of this act.

Sec. 5. Membership.—The membership of the corporation shall consist of the incorporators and such persons, societies, associations, partnership and corporations as have been duly elected to membership and have subscribed for one or more shares and have paid for the same in whole or in part, together with the entrance fee as provided in the by-laws and have complied with such other requirements as the certificate of organization and by-laws may contain.

Sec. 6. Reports; examinations; supervision.—Corporations organized under the provisions of this act shall be subject to such supervision and examination as the State corporation commission may, within its discretion, deem necessary. Every such corporation shall make a report of condition to the department of banking of the State corporation commission on the dates of the second and fifth calls made on State banks. These reports shall be verified by the oath of the president and the treasurer or secretary, or by the oath of a majority of the members of the supervisory committee, and they shall make such further reports under oath as the State corporation commission or the chief bank examiner shall at any time demand. Any such corporation which neglects or refuses to make any report called for shall be subject to fine, to be imposed by the State corporation commission, of not more than ten dollars for each day of said neglect, unless execused by the commission for good cause

Each credit union shall be examined at least once a year, but

the chief bank examiner may, in his discretion, order other examinations; and the examiners shall be given free access to all books, papers, securities and other sources of information in respect to said corporation. At the time of examination the bank examiner shall charge an examination fee which shall not exceed fifteen dollars, unless the resources of the credit union so examined shall be in excess of one thousand dollars. Credit unions having resources in excess of one thousand dollars shall pay to the chief bank examiner at the time of examination the sum of twenty-five dollars for each one hundred thousand dollars of resources or fraction thereof. For the purpose of making such examination the chief bank examiner, or one of his assistants, shall have the power and authority to subpoena and to examine personally, or by one of his assistants, witnesses an oath, whether such witnesses are members of the corporation or not, and to require the production of all documents, whether said documents are documents of the corporation or not. In the event that any such corporation shall continue to neglect or refuse to make its reports as hereinbefore provided for more than fifteen days, or in the event that any such corporation shall fail to pay such charges as are herein required, including the charges for delay in filing reports, the chief bank examiner shall give notice to such corporation of his intention to revoke the certificate of approval of said corporation for said neglect or failure, and if such. neglect or failure continues for fifteen days after such notice, then the State corporation commission may, upon motion of the chief bank examiner, revoke or suspend the license of the corporation; and may, in its discretion, close said corporation and take possession of its property and business until such time as it may see fit to allow the corporation to resume business, or may proceed to finally liquidate said business, as may seem proper.

In the event that it appear to the chief bank examiner that any such corporation is violating any provisions of this act, he may, after a hearing or an opportunity for a hearing has been given to said accused corporation, direct that said corporation discontinue the illegal methods or practices mentioned in his order; subject to appeal by the accused corporation to the State corporation commission. If any credit union is insolvent, or has failed or refused to comply with the provisions of this act, the chief bank examiner, upon order of the State corporation commission, shall take possession of the business and property of such corporation and retain such possession until such time as he may permit it to resume business, or until its affairs are finally liquidated under order of the State corporation

commission.

All expenses incident to any special examination which may be necessary may be ordered to be paid by the credit union so examined.

Sec. 7. Fiscal year and meetings; regulations as to voting.—The fiscal year of every such corporation shall end at the close of business on the thirty-first day of December. The annual meeting of the cor-

poration shall be held in January. Special meetings may be held by order of the directors or of the supervisory committee, and shall be held upon request in writing of ten per centum of the members. Notice of all meetings of the corporation shall be given in the manner prescribed in the by-laws. At all meetings of members a member shall have but one vote, irrespective of the number of shares held. No shareholder may vote by proxy but a society, association, copartnership or corporation, having membership in the credit union, may be represented by one person authorized by said society, association, copartnership or corporation to so represent it. At any meeting the members may decide upon any question of interest to the corporation, and overrule the board of directors, and by a three-fourths vote of those present and represented, provided the notice of the meeting shall have specified the question to be considered, may vote to amend the by-laws.

Sec. 8. At the annual meeting the members shall elect a board of directors of not less than five members, a credit committee and a supervisory committee of not less than three members each. However, in the discretion of the members the board of directors as such may also be the credit committee. Except as herein specified, no member of said board shall be a member of either of said committees, nor shall one person be a member of more than one of said committees, and all members of committees and all directors, as well as all officers whom they may elect, shall be sworn, and shall hold their several offices for such term as may be determined by the by-laws.

The oath required of each director, officer and member of committee, shall be the oath of the individual taking the same that he will, as far as the duty devolves upon him, diligently and honestly administer the affairs of such corporation and will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to such corporation, and that he is the owner in good faith and in his own right on the books of the corporation of at least one share therein. Such oath shall be subscribed by the individual making it and certified by the officer before whom it is taken and shall immediately be transmitted to the chief bank examiner and filed and preserved in his office.

Sec. 9. Directors and officers; compensation.—At their first meeting, and at each first meeting in the fiscal year, the board of directors shall elect from their number a president, vice-president, a secretary and a treasurer. The offices of secretary and treasurer may, if the by-laws so provide, be held by one person; and other officers may be elected in the discretion of the directors. The board of directors shall have the general management of the affairs, funds and records of the corporation, and shall meet as often as may be necessary. Unless the by-laws shall specifically reserve all or any of these duties to the members it shall be the special duty of the directors: (a) To act upon all applications for membership and the expulsion of members: (b) to fix the amount of the surety bond which shall be required of each officer having the custody of funds. The surety on said bond

shall be some solvent surety company licensed to do business in Virginia and the amount thereof to be approved by the chief bank examiner; (c) to determine from time to time the rate of interest which shall be allowed on deposits and charged on loans; (d) to fix the maximum number of shares which may be held by and the maximum amount which may be lent to any one member; to declare dividends; and to recommend amendments to the by-laws; (e) to fill vacancies in the board of directors or in the credit committee until the election and qualification of successors; (f) to have charge of the investment of the funds of the corporation, and to perform such other duties as the members may from time to time authorize.

No member of the board of directors or of the credit or supervisory committee shall receive any compensation for his services as a

member of said board or committee.

Sec. 10. Credit committee.—The credit committee shall approve every loan or advance made by the corporation to members. Every application for a loan shall be made in writing on a form prepared by the board of directors and shall state the purpose for which the loan is desired and the security offered. No loan shall be made unless it has received the unanimous approval of those members of said committee who were present when it was considered, which number shall constitute at least a majority of the members of said committee, nor if any member of said committee shall disapprove thereof, but the applicant for a loan may appeal from the decision of the credit committee to the board of directors. The credit committee shall meet as often as may be required after due notice has been given to each member.

Sec. 11. Supervisory committee; audit and report.—The supervisory committee shall inspect the securities, cash and accounts of the corporation and supervise the acts of its board of directors, credit committee and officers. At any time the supervisory committee, by a unanimous vote, may suspend the credit committee or any member thereof, or any member or members of the board of directors, or any officer or officers elected by the board, and by a majority vote they may call a meeting of the shareholders to consider any violation of this act or of the by-laws, or any practice of the corporation which, in the opinion of said committee, is unsafe and unauthorized. Within seven days after the suspension of the credit committee, or any member thereof or of any director or officer the supervisory committee shall cause notice to be given of a special meeting of the members to take action relative to such suspension. The supervisory committee shall fill vacancies in their own number until the next meeting of the members.

At the close of each fiscal year, the supervisory committee shall make or cause to be made a thorough audit of the receipts, disbursements, income, assets and liabilities of the corporation for the said fiscal year, and shall make a full report thereon to the directors. Said report shall be read at the annual meeting of the members and shall be filed and preserved with the records of the corporation.

Sec. 12. Capital; par value of shares; entrance fee; transfer fee.—The capital of a credit union shall consist of the payments that have been made to it by the several members thereof on shares. The par value of the shares shall be five dollars per share and shall be paid for in money only. Shares may be subscribed for and paid in such manner as the by-laws shall prescribe, not inconsistent with the provisions of this act. A credit union shall have a lien on the shares of any member and upon any dividends payable thereon for and to the extent of any loan made to him and of any dues and fines payable by him. A credit union may, upon the resignation or expulsion of a member, cancel the shares of such member and apply the withdrawal value of such shares towards the liquidation of the said member's indebtedness.

A credit union may, if the by-laws so provide, charge an entrance fee for each share subscribed, to be paid by the shareholder upon his election to membership.

Fully paid shares of a credit union may be transferred to any person on election to membership, upon such terms as the by-laws may provide, and the payment of a transfer fee which shall not

exceed twenty five cents per share.

Sec. 13. Shares and deposits of minors and in trust.—Shares may be issued and deposits received in the name of a minor, and such shares and deposits may be withdrawn by such minor, and in such case payments made on such withdrawals shall be valid. If shares are held or deposits made in trust the name and residence of the beneficiary shall be disclosed and the account shall be kept in the name of such holder as trustee for such person. Such shares and deposits may, upon the death of the trustee, be withdrawn by the person for whom the shares were held or for whom such deposits were made by his legal representatives.

Sec. 14. Charges and penalties.—For failure by any member of a credit union to meet his payments on shares when due, such charges and other penalties may be imposed upon the delinquent member as the by-laws provide. Such charges shall not exceed one and one-half per centum per month or a fraction thereof on amounts due, except that a minimum charge of five cents may be imposed.

Sec. 15. Deposits.—A credit union may receive the savings and deposits of its members in such amounts and upon such terms as the board of directors may determine and the by-laws shall provide. A credit union may also receive deposits from non-members, subject to such terms as the by-laws may provide.

Sec. 16. Rates of interest.—A credit union may lend to its members at reasonable rates, or invest as hereinafter provided, the funds accumulated. The rates of interest shall not exceed one and one-half per centum per month computed on unpaid balances.

Sec. 17. Power to borrow.—If the by-laws so provide, a credit union shall have the power to rediscount, as hereinafter provided,

or to borrow money from any source in addition to receiving deposits as indicated in section fifteen, but the aggregate amount of rediscounts and borrowings shall at no time exceed the sum total of the capital, surplus and reserve funds of such borrowing credit union.

Sec. 18. Investment of funds.—The capital, deposits, undivided profits and reserve fund of the corporation may be invested in the following ways, and in such ways only: (a) Lent to members of the corporation in accordance with the provisions of this act; (b) deposited to the credit of the corporation in other credit unions chartered by this State, State banks or trust companies, incorporated under the laws of this State, or in national banks operating in this State; (c) not more than ten per centum of the capital stock and reserve fund of a credit union may be invested in the stock of other credit unions; (d) invested in any investment which is legal for savings banks in the State of Virginia.

Sec. 19. Loans.—As provided in section eighteen, a credit union may loan to its members for such purposes and upon such security and terms as the by-laws shall provide and the credit committee shall approve; but security must be taken for any loan in excess of fifty dollars. Endorsement of a note or assignment of shares in any credit union shall be deemed security in the meaning of this section.

A member who needs funds with which to purchase necessary supplies for growing crops may receive a loan in fixed monthly

installments instead of in one sum.

The supervisory committee shall appoint a substitute to act on the credit committee in the place of any member in case such member makes application to borrow money from a credit union or become surety for any other member whose application for a loan is under consideration.

All officers and members of any committee in any way knowingly permitting or participating in making a loan of funds of a credit union to a non-member thereof shall be guilty of a misdemeanor. The credit union shall have the right to recover the amount of such illegal loans from the borrower or from any officer or member of committees who knowingly committed or participated in the making thereof, or from all of them jointly.

A borrower may repay the whole or any part of his loan on any day on which the office of the corporation is open for the transaction

of business.

Sec. 20. Reserve fund.—All entrance fees, transfer fees, and charges shall, after the payment of organization expenses, be known as reserve income, and shall be added to the reserve fund of the corporation.

At the close of each fiscal year there shall be set apart to the reserve fund twenty per centum of the net income of the corporation which has accumulated during the year. But upon the recommendation of the board of directors the members at an annual meeting may increase, and whenever said funds equal the amount of the capital

may decrease the proportion of profits which is required by this section to be set apart to the reserve fund.

The reserve fund shall belong to the corporation and shall be held to meet contingencies, and shall not be distributed to the mem-

bers except upon dissolution of the corporation.

Sec. 21. Dividends.—At the close of the fiscal year a credit union may declare a dividend from the net earnings. Dividends shall be paid on all fully paid shares outstanding at the close of the fiscal year, but shares which become fully paid during the year shall be entitled to a proportional part of said dividend calculated from the

first day of the month following such payment in full.

Sec. 22. Notes, drafts, bills of exchange.—Notes, drafts, and bills of exchange, executed for the purpose of this act, having a maturity not to exceed six months, and endorsed by a national bank, a State bank or trust company, may be rediscounted in the open market. The total of such paper outstanding shall at no time exceed the paid-in capital and surplus; provided, however, that the chief bank examiner in his discretion may extend this limit temporarily, and provided further, that the limitation here fixed shall not be considered money borrowed under section seventeen.

Sec. 23. Expulsion and withdrawal.—At any regularly called meeting, the members by a two-thirds vote of those present may expel from the corporation any member thereof. A member may withdraw from a credit union or a hon-member may withdraw deposits, as hereafter provided, by filing a written notice of such intention.

All amounts paid in on shares of an expelled or withdrawing member, with any dividends credited to his shares to the date of expulsion or withdrawal, shall be paid to such member in the order of expulsion or withdrawal and only as funds therefor become available, after deducting any amounts due to the corporation by said member. All deposits of an expelled or withdrawing member, with any interest acrued, shall be paid to such member subject to sixty days' notice and after deducting any amounts due the corporation by said member. Said member when withdrawing shares or deposits shall have no other or further right in said credit union or to any of its benefits, but such expulsion or withdrawal shall not operate to relieve said member from any remaining liability to the corporation.

Sec. 24. Voluntary dissolution.—Any credit union may dissolve in accordance with the provisions of chapter one hundred and forty-

seven of the Code of Virginia, pertinent thereto.

Sec. 25. Change of place of business.—A credit union may change its place of business on written notice to and approval of the chief bank examiner.

CHAP, 450.—An ACT to amend and re-enact section 3777 of the Code of Virginia.

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-seven hundred and seventy-seven of the Code of Virginia be amended and re-enacted to read as follows:

Section 3777. Powers of corporations.—Every corporation of this

State shall have power:

(a) To have succession for the time stated in its charter, certificate of incorporation, or articles of association. But when no period is so limited, it shall be perpetual, subject to the power of repeal reserved by the Constitution to the general assembly.

(b) To sue and be sued in any court of law or equity.

To have a common seal, which it may alter, renew, or

amend at its pleasure.

(d) To contract and be contracted with, to purchase, hold, and grant such real and personal estate as the purpose of the corporation shall require, and all other real estate which shall have been bona fide conveyed or mortgaged to the said corporation, or for its benefit, by way of security, or in satisfaction of debts, or purchased at sales upon judgment or decree obtained for such debts, and to mortgage or pledge, or convey by way of deed of trust, or otherwise encumber any such real or personal estate as is mentioned in this paragraph, together with the franchises of such corporation, in whole or in part. The power to hold real and personal estate shall include the power to take the same by gift, devise, or bequest.

(e) To borrow money, to make and issue its bonds, payable to bearer or otherwise, and with or without interest coupons attached, or drafts or notes for the same, or for any debts or obligations incurred by it, or for any of the purposes of the corporation, and to secure the same by mortgage or deed of trust on all of its works,

property, and franchises, or any part thereof.

To appoint such officers and agents as the business of the corporation shall, in its opinion, require, and to fix their compensation.

(g) To make ordinances, by-laws and regulations not inconsistent with the Constitution or laws of the United States or of this State, fixing and altering the number of its directors, the division of the same, if desired, into classes; their authority and powers; the duration of the terms of its officers and directors; for the certification and transfer of its stock; for the calling and holding of meetings of its members; and generally for the government of all under its authority; for the management of its estates, and the due and orderly regulation and conduct of its affairs.

(h) If authorized so to do in its charter, certificate of incorporation, or articles of association, or in any amendment thereof, to subscribe to, purchase, or otherwise acquire, or to guarantee or to become surety in respect to the stock, bonds, or other securities and

obligations of other companies.

(i) To wind up and dissolve itself, or to be wound up and dissolved in the manner provided by law.

(j) To exercise all other powers granted to corporations gener-

ally by the laws of this State.

All corporations, other than public service corporations, organized under the laws of this State shall have power to enter into partnership agreements with other corporations having similar powers and purposes, whether organized under the laws of this or other States, or with any individual or individuals; but no such agreement shall be entered into except the same be authorized in a stockholders' meeting by a resolution passed by unanimous vote of all the stockholders of each corporation affected, in the notice of which said meeting the object and purpose thereof has been duly stated.

CHAP. 451.—An ACT to amend and re-enact section 3101 of the Code of Virginia.

[H B 50]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and one of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 3101. Disability, etc., of civil and police justices.—The court of such civil and police justice shall be open for the transaction of business every day in the year, except Sundays and legal holidays, but the justice shall be allowed annually a vacation period of not more than one month. The judge of the corporation or hustings court of each of said cities shall, by proper order of record, appoint as substitute civil and police justice a suitable person, preferably a lawyer, and may at any time revoke such appointment, and may make a new apointment in like manner in the event of such revocation, or of the death, absence, or disability of such substitute civil and police justice. In the event of the inability of the civil and police justice to perform the duties of his office by reason of sickness, absence, vacation, interest in the claim, proceeding, or parties before his court, or otherwise, such substitute civil and police justice shall perform the duties of the office during such absence or disability, and shall receive for his services a per diem compensation equivalent to one-twentieth of a monthly installment of the salary of the civil and police justice, payable out of the treasury of the city, the account for such services to be approved by the corporation or hustings court. While acting as such, either the civil and police justice or the substitute civil and police justice, may perform all acts with reference to the proceedings, judgments and proceeds of the other in any warrant, claim or proceeding before the court of the civil and police justice in the same manner and with the same force and effect as if they were his own.

CHAP. 452.—An ACT to amend and re-enact section 2698 of the Code of Virginia.

[H B 412]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-six hundred and ninety-eight of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 2698. Bonds of officers.—Every county treasurer, sheriff of a county, sergeant of a city, county clerk, clerk of a city court, clerk of a circuit court, commissioner of the revenue, superintendent of the poor, county surveyor, supervisor, constable, and overseer of the poor shall, at the time he qualifies, give such bond as is required by section two hundred and seventy-nine. The penalty of the bond of each officer shall be determined by the court, judge, or clerk before whom he qualifies, within the limits hereinafter prescribed. The county treasurer shall give as surety on his bond some guaranty or security company doing business in the State of Virginia and deemed sufficient by the court, judge or clerk before whom he qualifies, and he may execute such bond on a form prescribed by the attorney general and to be furnished by the auditor of public accounts to the clerks of the several courts. The penalty of said bond shall be such as the court or judge or clerk may require, but not less than fifty per centum of the amount to be received annually by him. The penalty of the bond of a sheriff of a county, or sergeant of a city, when he gives personal security, shall be not less than ten nor more than sixty thousand dollars, but if said sheriff or sergeant shall elect to give as surety on his bond a guaranty or surety company, the penalty of such bond shall not be less than five thousand nor more than thirty thousand dollars. The bond of the county clerk or clerk of a city or circuit court shall not be less than three thousand dollars, and the bond of such clerk shall bind him and his sureties, not only for the faithful discharge of his duties as clerk of said court, but also for the faithful discharge of such other duties as may be imposed upon him by law in like manner and with the same effect as if it were so expressed in the conditions of his said bond. The bond of the commissioner of the revenue shall not be less than one thousand nor more than three thousand dollars. The bond of the superintendent of the poor shall not be less than one thousand nor more than four thousand dollars.

The bond of supervisor shall not be less than one thousand dollars nor more than two thousand five hundred dollars. The bond of a constable shall not be less than five hundred dollars. The bond of an overseer of the poor shall not be less than double the amount that will actually pass through his hands as such overseer.

Nothing in this section shall be construed as requiring the Commonwealth or any county in this State to pay the cost of said security

when given by such guaranty or security company,

CHAP. 453.—An ACT to amend and re-enact section 2699 of the Code of Virginia, which relates to bonds required of city treasurers. [H B 411]

#### Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-six hundred and ninety-nine of the Code of Virginia, which relates to bonds required of city treasurers, be amended and reenacted so as to read as follows:

Section 2699. Bonds required of city treasurers.—Every city treasurer, at the time he qualifies, shall in addition to any bond required of him by his city under its charter and ordinances, give a bond with sufficient surety, in a penalty of not greater than one-half of the amount of the State revenue, to be received annually by him, or less than one-third thereof, payable to the Commonwealth, and with condition for the faithful discharge of his official duties in relation to the State revenue, and of such other official duties as are, or may be, imposed upon him by law otherwise than by the charter and ordinances of his city; but every such treasurer shall give as surety on his bond, some guaranty or security company doing business in this State and deemed sufficient by the court or judge before whom he qualifies. The form of said bond shall be prescribed by the attorney general, and such blank forms shall be furnished by the auditor of public accounts to the clerks of the several courts; but nothing herein contained shall be construed as requiring or authorizing the Commonwealth to pay the cost of said security. No guaranty company doing business in this State shall charge a greater rate of premium on the bonds given under this section than it does on bonds of like character of employees and officials generally; but if no guaranty company doing business in this State will agree to furnish such bond for such rate of premium, then such treasurer shall give such security as may be aproved by the corporation court of his city in a penalty of not less than double the amount to be annually received by him.

- 2. On and after this section as amended becomes effective each city treasurer who has heretofore executed bond to secure the Commonwealth for the term of office commencing January first, nineteen hundred and twenty-two, in conformity with provisions of this section, as contained in the Code of Virginia, nineteen hundred and nineteen, is authorized and permitted to execute bond in conformity with the provisions of this section as amended, which bond shall take the place of and be instead of the bond heretofore executed by any such treasurer for the term of office commencing January first, nineteen hundred and twenty-two, and on and after the date of execution of bond in conformity with provisions of this section as amended, the bond heretofore executed for the term of office commencing January first, nineteen hundred and twenty-two shall be void and of no effect except as to liability thereunder, up to the time of the execution of bond in accordance with provisions of this section as amended.
- 3. Any act of assembly of Virginia now in force relative to the bond of treasurer of any city to secure the collection of funds of the

Commonwealth, the provisions of which are contrary to this act, be and the same is hereby continued in force.

4. As city treasurers have been required, in order to conform with the law, to execute bonds in penalties which are excessive for the protection of the Commonwealth of Virginia, an emergency exists, therefore, this act shall be in force from its passage.

CHAP. 454.—An ACT to amend and re-enact section 2414 of the Code of Virginia.

[H B 185]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-four hundred and fourteen of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 2414. Treasurers to return lists of uncollectible taxes and delinquents.—The treasurer, after ascertaining which of the taxes and levies assessed in his county or city cannot be collected, shall, not later than the first day of July in each year, make out lists of three classes, to-wit: First, a list of property on the commissioner's land book improperly placed thereon or not ascertainable, with the amount of taxes and levies charged on such property; secondly, a list of other real estate which is delinquent for the non-payment of the taxes and levies thereon; and thirdly, a list of such of the taxes and levies so assessed, other than on real estate as he is unable to collect, except that in the counties of Accomac, Northampton and Northumberland it shall be lawful for the treasurers of said counties to make such lists at any time prior to the first day of September of any year.

CHAP. 455.—An ACT authorizing and directing the payment out of the treasury of the sum of \$2,093.80 to Ivakota Association, incorporated.

[H B 1951]

# Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is, hereby authorized and directed to draw his warrant on the treasurer in favor of the Ivakota Association, Incorporated, for the sum of two thousand ninety-three dollars and eighty cents, the same being for the support of State prisoners convicted of misdemeanors and held in custody at the farm of the said incorporated association, accounts for which sum were approved by the circuit court of Fairfax county at its September and November, nineteen hundred and twenty, terms. The amount aforesaid shall be paid out of appropriations made to pay criminal charges.

2. An emergency existing, this act shall be in force from its

passage.



CHAP. 456.—An ACT to amend and re-enact section 2406 of the Code of Virginia.

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-four hundred and six of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 2406. The clerk of every court of record to remit to the auditor of public accounts monthly when the amount of funds in his hands due the State amount to five hundred dollars or more, or whenever the amount due the State in his hands shall amount to five hundred dollars.—The clerk of every court of record shall, whenever the amount of funds in his hands due the State amount to as much as five hundred dollars monthly between the first and fifteenth day of each month remit to the auditor of public accounts the amount of funds in his hands due the Commonwealth, collected prior to the first of said month, by certified check make payable to the order of the State treasurer, or as otherwise provided by law, such payment to be credited to him and allowed him in the settlements he is required by law to make with the said auditor. Any clerk failing to comply with the provisions of this section shall be liable to a fine of fifty dollars for each offense to be recovered by a motion in the circuit court of the city of Richmond, made by the attorney general of the State, at the request of the auditor of public accounts.

CHAP. 457.—An ACT to pay an assessor or an assistant assessor of lands for time necessarily employed in the re-assessment of real estate recently had. the payment of which was precluded by the provisions of section 2247 of the Code of Virginia fixing the time within which the assessments were to be completed, such payment to be made out of the appropriation provided "for assessing property for taxation, etc."

### Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That any assessor or assistant assessor of lands, who was necessarily employed, in the re-assessment of lands required to be made in nineteen hundred and twenty, beyond the time prescribed by law for the completion of his work, and for that reason could not be paid for the time so necessarily employed, may present an account, under oath, for such time necessarily employed beyond the time fixed by law for the completion of assessment up to the time of the completion of his land book, for the days so necessarily employed, to the circuit court of the county in which he served as assessor or assistant assessor, or corporation or hustings court of the city in which he served as assessor or assistant assessor, or to the circuit court of the city if the city have no corporation or husting court, and the court shall, if it deem advisable, require evidence to substantiate the account, and the court shall enter an order determining the number of days necessarily employed not paid for, which should be paid for, provided that the number of days so allowed shall not be in excess of the number of days now allowed by law, and the amount to be paid out of the State treasury and amount to be paid out of the treasury of the county or treasury of the city at per diem prescribed by law, and a copy of that order shall be certified to the auditor of public accounts who shall draw his warrant upon the State treasury, payable out of the appropriation provided "for assessing property for taxation, et cetera," in payment of the amount allowed by the court according to law payable out of the State treasury; and the amount, if any, payable out of the county or city funds shall be paid upon a copy of the order of the court certified to the treasurer of the county or treasurer of the city, or other city officer charged with disbursement of city funds; provided, however, that this act shall not apply to cities of over one hundred thousand inhabitants.

This act shall apply only to those making application to the auditor on or before March 1, 1922.

CHAP. 458.—An ACT to provide a simple remedy for the correction of erroneous assessment of taxes when such error is due to a mistake on the part of the assessing officer or to the mistake of the officer on whose report the assessment was made. [H B 422]

### Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That any officer charged by law with the duty of assessing taxes or levies upon land or other property, money, income or license, or any officer upon whose report such assessment is made, shall, if he is satisfied that any such assessment is erroneous and that the error was caused by his mistake, within one year from the first day of September of the year in which such assessment is made, apply to the court in which such assessing officer gave bond and qualified, or to whose clerk such bond and certificate of his qualification were returned, for the correction of such erroneous assessments. The attorney for the Commonwealth shall defend the applications and no order correcting such assessments shall have any validity unless it is stated therein that such attorney did so defend, and the facts proved be certified.

2. If the court be satisfied upon the hearing that any or all of the persons mentioned in the said application have been erroneously assessed with State taxes or local levies, or both, it may order that the same be corrected, and if application is made under section one of this act for the correction of more than one assessment at the same time, the court may dispose of any number or all of the cases in one order. The said order and the copies thereof shall be upon forms prescribed by the auditor of public accounts and shall show in detail the names of the persons against whom the assessments were made, the page, line, date and nature of the book or other assessment

roll upon which such assessments were made, and shall show clearly the error to be corrected. If the assessment exceeds the proper amount, the court may order that the applicant be exonerated from the payment of so much as is erroneously charged, if not already paid, and if paid, that it be refunded to him. If the assessment be less than the proper amount, the court shall order that the applicant pay the proper taxes. A copy of any order made under this section correcting erroneous assessments shall be certified by the court to the auditor of public accounts and the treasurer of the county or city.

3. An order of exoneration made as aforesaid, when delivered to the treasurer, shall restrain him from collecting so much as is thus erroneously charged, or if the same has already been collected shall compel him to refund the money to the person entitled thereto, and in either case the order shall be a sufficient voucher to entitle the officer to a credit for so much in his settlement with the auditor of public acounts and the local authorities; provided, that no such order of exoneration or order refunding money shall be granted unless the

application be made within the time prescribed by this act.

4. If from the statements of the facts or other evidence the auditor of public accounts shall be of the opinion that the order of the court granting the redress, or any portion thereof, is erroneous, he may, within one year from the time such order is made, file a petition for a rehearing of such application, or so much thereof as relates to that portion of the order which he considers erroneous; said petition may be filed in said court or with the judge thereof in vacation, and shall be in the name of the Commonwealth, and the filing of the same shall operate as a supersedeas, and, after five days' notice to the applicant, the matter shall thereupon be reheard in said court and witnesses examined in the same manner as if no previous hearing had been had. The petition shall be presented and the hearing conducted by the attorney for the Commonwealth of the county or city.

At the hearing the court shall make such order thereon as may be proper. And should the order of the court be against the Commonwealth, the auditor of public accounts may take an appeal to the supreme court of appeals, and a supersedeas may be granted in such case in the same manner as now provided by law in cases other than cases of appeal of right. No costs shall be adjudged against the Commonwealth or the petitioner in either the trial or the appellate court.

CHAP. 459.—An ACT to amend and re-enact sections 109 and 111½ of an act entitled an act to raise revenue for the support of the government and public free schols and to pay the interest on the public debt and to provide a special tax for pensions as authorized by section 189 of the Constitution, approved April 16, 1903, and acts amendatory thereof.

[H B 334]

### Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That sections one hundred and nine and one hundred eleven and one-half of an act entitled an act to raise revenue for the support of the government and public free schools and to pay the interest on the public debt and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution, approved April sixteenth, one thousand, nine hundred and three, and acts amendatory thereof,

be amended and re-enacted so as to read as follows:

Section 109. For the purposes of this section a carnival shall mean an aggregation of shows, amusements, concessions, eating places and riding devices, or any of them operating together on one lot or street, or on contiguous lots or streets, moving from place to place, whether the same are owned and actually operated by separate persons, firms, corporations, or individuals, or not. In the county or in towns of three thousand inhabitants, or less, unless the same be exempt from license tax by the terms of section one hundred and seven hereof, there shall be paid for each day's performance or exhibition of a carnival (or other like show), a license tax of twenty-five dollars; on a side (or like) show, a license tax of fifteen dollars; on a trained animal (or like) show, or wild west (or like) show, a license tax of twenty-five dollars; on a circus, or circus and menagerie, a license tax of one hundred and fifty dollars.

In a town or city, or within five miles thereof, of more than three thousand and not over ten thousand inhabitants, unless the same be exempt from taxation by the terms of section one hundred and seven hereof, there shall be paid for each day's performance or exhibition of a carnival (or other like show), a license tax of seventy-five dollars; on a side (or like) show, a license tax of ten dollars; of a dog and pony (or either, or like) show, a license tax of twenty-five dollars; on a trained animal (or like) show, or wild west (or like) show, a license tax of fifty dollars; on a circus or circus and menageries (or like) show, a license tax of two hundred dollars.

In a city, or within five miles thereof, of more than ten thousand inhabitants, and not over sixty thousand inhabitants, unless the same be exempt from taxation by the terms of section one hundred and seven hereof, there shall be paid for each day's exhibition or performance of a carnival (or other like show) a license tax of one hundred and fifty dollars; on a side (or like) show, a license tax of fifteen dollars; on a dog and pony (or either, or like) show, a license tax of forty dollars; on a trained animal (or like) show, or a wild west (or like) show, a license tax of seventy-five dollars; on a circus,

or circus and menagerie (or like) show, for each day or part of a day,

a license tax of two hundred and fifty dollars shall be paid.

In a city, or within five miles thereof, of more than sixty thousand inhabitants, unless the same be exempt from taxation by the terms of section one hundred and seven hereof, there shall be paid for each day's exhibition or performance of a carnival (or other like show) a license tax of one hundred and fifty dollars; on a side (or like) show, a license tax of twenty-five dollars; on a dog and pony (or either, or like) show, a license tax of sixty dollars; on a trained animal (or like) show, or wild west (or like) show, a license tax of one hundred dollars, on a circus, or circus and menagerie (or like) show, for each day or part of a day, a license tax of five hundred dollars shall be paid.

Section 111½. The owner or operator of a permanent park, open to the public for at least four months as a permanent place of amusement, which shall be operated continuously, each day, Sundays and holidays excepted, for at least four months, may operate a bowlling alley, trained animal show, hobby horse or merry-go-round, ferris wheel, penny or nickle machine for exhibiting pictures, moving picture show, theatrical performance, old mill, or similar entertainments, and at which may be kept and operated any game or wheel where the prize consists of fruit, candy, toys or other novelties, upon the payment of a license tax of four hundred dollars for a period of four months, six hundred dollars for a period of eight months and eight hundred dollars for a period of one year, shall have the privilege of doing any, or all of the things set out in this section; but the operation of a carnival or circus or show of any kind which moves from place to place shall not be allowed under the lisense provided for in this section.

CHAP. 460.—An ACT to amend and re-enact an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt and to provide a special tax for pensions, as authorized by section 189 of the Constitution, approved April 16, 1903, and acts amendatory thereof, by adding a new section to be known as section 44½, imposing a tax upon the transfer at death of the personal property of non-residents, and providing penalties for the violation of this section.

[H B 182]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to raise revenue for the support of the government and public free schools and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution, approved April sixteenth, one thousand nine hundred and three, as heretofore amended, be amended and re-enacted by adding thereto a new section to be known as section forty-four and one-half, to read as follows:

Sec. 44½. Tax upon the transfer at death of the personal property of non-residents. (1) All personal property within the jurisdiction

of the State and any interest therein, belonging to persons whose domicile is without the State shall, upon the death of the owner, be subject to a tax of two per centum of its actual value for the support of the State government, upon its transfer, payment or delivery to the executor, administrator or trustee of the estate of said deceased.

(2) No stock or obligation of any national bank located in this State or of any corporation organized under the laws of this State, deposit in any bank, trust company, or other similar institution located in this State or organized under its laws, obligation of any citizen of this State, or securities or personal property of any description within the jurisdiction of the State, or any interest therein, belonging to the estate of a non-resident shall be transferred, paid or delivered to any person except an executor, administrator or trustee of the estate of said deceased duly appointed either in this State or in the State of the decedent's domicile by a court having jurisdiction for that purpose.

(3) Such property shall not be transferred, paid or delivered to a foreign executor, administrator or trustee until the tax has been paid. Any person or corporation which shall transfer, pay, or deliver or having control thereof shall permit the transfer, payment or delivery of any such property to any person other than a resident executor, administrator or trustee before such tax has been paid shall be liable for the tax and an additional penalty of not more than one thousand dollars in an action brought by the auditor of public accounts. Any such bank or corporation which shall record such a transfer of any share of its stock or if its obligation or issue a new certificate of stock or other instrument to evidence such a transfer before all taxes imposed upon the transfer by this act have been paid shall be subject to the same liability and penalty.

(4) Executors, administrators, and trustees shall be liable for such transfer tax upon all such property which shall come to their

hands, with interest as hereinafter provided.

(5) Every person having in his possession or control any personal property belonging to a non-resident, shall, unless the property is delivered to a resident administrator within thirty (30) days after the death of the owner, notify the auditor of public accounts and prepare and transmit to him an itemized schedule of the property. If the tax is not paid or a resident administrator appointed within four months after the owner's death the circuit court of the city of Richmond shall, upon petition of the auditor of public accounts, appoint a resident administrator or a special administrator as the circumstances of the case may require to whom the property shall be transferred, whose duty it shall be to collect and pay the tax and to account for the balance of the property according to law under order of the court.

(6) All taxes imposed by this act shall be due and payable at the time of the transfer of the property, and if not then paid interest at the rate of ten per centum per annum shall be charged and collected from the time of the transfer and said taxes and interest shall be



and remain a lien on the property transferred until the same are paid. Provided, however, that if the transfer is not made within four months after the owner's death interest as aforesaid shall be charged and collected after the expiration of said four months.

- (7) Personal property within the jurisdiction of this State belonging to non-residents which shall pass by deed, grant, bargain, sale, or gift, made in contemplation of death, or made or intended to take effect in possesion or enjoyment at or after the death of the grantor or donor shall be subject to the same tax imposed upon the transfers hereinbefore described in this act. The taxes upon such transfer shall become due at once upon the death of the grantor or donor, and if not paid within four months shall be subject to interest as aforesaid after the expiration of said period, until paid. taxes and interest shall be a charge against the persons receiving such transfer, and the property transferred and any other property of the grantor or donor within the jurisdiction of the State shall be subject to a lien to secure its payment. All persons or corporations within the jurisdiction of the State in whose posession or control any such property so transferred or to be transferred remains at the time of the death of the grantor or donor shall be subject to all the duties, liabilities, and penalties imposed by this act upon persons having the possession or control of personal estate of such decedent.
- (8) A resident executor, administrator, or trustee holding personal property of a deceased non-resident subject to said tax shall deduct the tax therefrom or collect it from the executor, administrator, or truste in the State of the decedent's domicile, and shall not deliver such property to him or any other person until he has collected the tax. When the transfer of such personal property, other than money, is subject to a tax under the provisions of this act and the executor, administrator, or trustee in the State of domicile neglects or refuses to pay the tax upon demand, or if for any reason the tax is not paid within four months after the decedent's death, the resident administrator, executor, or trustee may, upon such notice as the circuit court of the city of Richmond may direct, be authorized to sell such property, or if the same can be divided such portion thereof as may be necessary, and shall deduct the tax from the proceeds of such sale and shall account for the balance, if any, in lieu of the property. When a conveyance made by a non-resident decedent in his lifetime is subject to said tax, the resident executor or administrator shall collect the taxes due on account of such conveyance and may be authorized to sell any property subject to the lien of such tax, as in other cases.
- (9) The auditor of public accounts shall determine the amount of all taxes due and payable under the provisions of this act and shall certify the amount due and payable to the resident executor, administrator or trustee, if any, otherwise to the person or persons by whom the tax is payable. Said tax shall be assessed upon the actual value of the property transferred at the time of the decedent's



death. Such tax shall be determined by the auditor of public accounts who shall cetrtify the same to the person or persons by whom the tax is payable and such determination shall be final unless the tax shall be reduced or increased upon application by the person assessed therewith, within one year from the date of such assessment, to the circuit court of the city of Richmond. Upon such application the procedure shall be as near as may be the same procedure prescribed by section forty-four of this act for the correction of erroneous assessments of inheritance taxes, with the same right of appeal to the supreme court of appeals of Virginia, either to the applicant or the auditor of public accounts as provided by law for appeals in other cases, except cases in which there is appeal as a matter of right.

(10) The auditor of public accounts, whenever he has knowledge or reason to believe that any person or corporation has in his possession or control any personal property belonging to the estate of a deceased non-resident upon which the tax has not been paid and a schedule of which has not been furnished him, as herein provided, or that any such person or corporation has received a transfer of such property or made such a transfer (except to a resident executor, administrator, or trustee) upon which the tax has not been paid, as herein provided, or that such person or corporation has knowledge of a transfer of any such personal property of such non-resident decedent in his lifetime by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, or has possesion or control of property so transferred, may require such person or any officer of such corporation to appear at the office of the auditor of public accounts, at such time as the auditor of public accounts may designate, and then and there to produce for the use of the auditor of public accounts all books, papers or securities which may be in the possession or control of such person or corporation relating to such property or transfer and to furnish such other information relating to the same as he may be able and the auditor of public accounts may require. Whenever the auditor of public accounts shall require the attendance of any person, as herein provided, he shall issue a notice stating the time when such attendance is required, and shall transmit the same by registered mail, or cause a copy of the same to be given in hand, to such person fourteen (14) days at least before the date when such person is required to appear. If any person receiving such notice shall neglect to attend or to give attendance so long as may be necessary, for the purpose for which the notice was issued, or refuses to furnish such books or papers or give such information, or if a corporation whose officer is thus summoned refuses to permit him to produce such books, papers or securities as are called for and are within the control of the corporation, such person or corporation shall be liable to a penalty of twenty-five (\$25) dollars for each offense, which may be recovered by the auditor of public accounts for the use of the State. person attending in response to summons as herein provided, shall thereafter be entitled to the same travel and witness fees as are allowed to witnesses summoned to testify on behalf of the Commonwealth in other cases. The auditor of public accounts may commence an action for the recovery of any taxes at any time after the same may become payable.

(11) The auditor of public accounts shall provide such books

and blanks as are requisite for the execution of this act.

(12) The counsel for the State tax board shall conduct all litigation and shall advise the auditor of public accounts upon all ques-

tions of law arising in the administration of this act.

(13) The expenses of the execution of this act shall be paid by the auditor of public accounts out of the funds in the treasury not otherwise appropriated, and he may employ such clerical assistance as may be necessary for the proper execution of this act.

CHAP. 461.—An ACT to amend and re-enact section 12 of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section 189 of the Constitution, approved April 16, 1903, and acts amendatory thereof. [H B 335]

### Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section twelve of an act entitled an act to raise revenue for the support of the government, and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution, approved April sixteenth, one thousand nine hundred and three, as heretofore amended, be amended and re-enacted so as to read as follows:

Section 12. Tax on wills and administrations.—On the probate of every will or grant of administration, not exempt by law, there shall be a tax of one dollar, where the estate, real, personal or mixed, passing by such will or by intestacy of the decedent, shall not exceed one thousand dollars in value at the time of the death of the decedent, and for every additional one hundred dollars of value, or fraction of one hundred dollars, an additional tax of ten cents; and no one shall be permitted to qualify and act as executor or administrator until said tax shall have been paid, and the value of all real estate shall be included in determining the tax imposed by this section, although the administrator does not administer upon the real estate and whether or not the personal representative under the will is charged with any duty with respect to the real estate; provided, however, that if the estate of any decedent, whose will is admitted to probate or on whose estate qualification is had in this State, consists partly of real estate situated outside this State, then the value of such real estate situated outside this State shall not be considered in computing the taxes herein imposed.

Should it thereafter appear that on the probate of said will or grant of administration the estate has been undervalued, the commissioner of accounts before whom the appraisement is directed to be filed, shall report such fact to the court, whereupon the said tax shall forthwith be paid to the clerk of the court in which said will was admitted to probate or letters of administration granted, and said estate shall not be distributed until such inventory has been filed and the tax paid.

When an estate is committed to a sheriff or sergeant on the motion of a creditor or other person, the State tax due for such administration shall be paid by the party upon whose motion the estate was committed, and the same shall be repaid to him by the sheriff or sergeant out of the first funds received by him from such estate; and, if an estate is committed to a sheriff or sergeant without motion the sheriff or sergeant shall be required to pay said taxes as soon as sufficient assets of said estate shall have come into his hands.

The value of the real estate for the purpose of taxation under this section shall be the assessed value of the year preceding the qualification of the personal representative.

CHAP. 462.—An ACT to amend and re-enact sections 2546 and 2550 of the Code of Virginia.

[H B 414]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That sections twenty-five hundred and forty-six and twenty-five hundred and fifty of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 2546. Official receipts for fines.—(a) Every officer collecting a fine, fine and costs, or costs where no fine is imposed, shall give an official receipt therefor to the person making the payment, and the clerk of the court shall use the official receipt in receipting to a justice for payments made to the clerk; and when the fine, fine and costs, or costs are collected by execution the clerk shall receipt to the officer making payment to him upon the official receipt.

(b) The auditor of public accounts shall prepare forms of official receipt for fines and distribute them to the clerks of the circuit courts of the counties and cities having no corporation or hustings court, also to the clerks of corporation or hustings courts of the cities, for their use and for distribution to the justices of their respective counties and cities.

The forms shall be in books of such size as may be convenient and each book and form shall be numbered and properly authenticated by the auditor of public accounts. Each receipt form shall bear the date of issue, name of person to whom receipt is given, name of person making payment, and amount paid, to be written by the officer to whom the payment is made, and each receipt form

shall have a stub bearing the same number as receipt, on which shall be entered, by the officer issuing the receipt, the date the detached receipt is given, the name of the person to whom the detached receipt is given, the name of the person making payment, and amount for which given; delivery of receipt is to be attested on the stub by signature of person to whom the receipt is given, and signature of any such person who is unable to write shall be witnessed by some person not an officer.

The receipt forms shall be accompanied by instructions from the auditor of public accounts for their use, and be so prepared that they may be detached from the book so as to indicate exact amount represented by the receipt and receipt in any other form shall not be

valid against the Commonwealth.

- (c) It shall be the duty of the clerk on the fifteenth of March and on the fifteenth of September, but if either of those dates fall upon Sunday or a legal holiday, then on the date immediately following, to make up a statement which will show each person reported to him by each justice during the preceding six months, ending respectively, February twenty-eighth and August thirty-first, which report shall also show amount of fine, fine and costs, or costs where no fine is imposed, imposed against each person, date imposed, amount collected and date of collection, also offense; also the clerk shall include in that statement statement showing each person making payment of a fine, fine and costs, or costs where no fine is imposed, to him, amount paid and date of payment during same period, the correctness of which statement shall be examined into by the attornev for the Commonwealth, who shall certify to the correctness thereof, if the same be found to be correct, and if not found to be correct it shall be the duty of the attorney for the Commonwealth to cause the clerk to correct it wherein it is incorrect, and it shall then be the duty of the attorney for the Commonwealth to certify to the correctness of the statement, and it shall further be the dnty of the attorney for the Commonwealth at the term of court next ensuing to present the statement to the court and the court shall order the same to be spread upon the records of the court and copy thereof certified to the auditor of public accounts.
- (d) Any clerk or justice failing, without good cause to comply with the provisions of this section, shall be guilty of a misdemeanor. and shall be liable to a fine not exceeding twenty dollars, one-half of which shall go to the informer, if there be an informer, recoverable by motion of the Commonwealth's attorney before the circuit court of a county, or circuit court of a city having no corporation or hustings court, or before the corporation or hustings court of a city, wherein such failure occurred, or wherein such delinquent officer resides. If any officer misuse or misappropriate a fine collected by him, he shall be deemed guilty of embezzlement, and shall be punished as for the embezzlement of public funds, and the failure to produce or account for any receipt form received by him shall be



prima facie evidence of his embezzlement of the amount represented thereby.

Sec. 2550. Justice to certify fines to clerk.—It shall be the duty of every justice in a county or town between the first and fifth day of each month to file with the clerk of the county, and the duty of every justice in a city to file with the clerk of the corporation or hustings court, and if the city have no such court, then with the clerk of the circuit court of the city, a report for the next preceding month, in which shall be shown the amount of every fine imposed by him, together with the costs, or the costs where no fine is imposed, the name of each person tried, for what offense and date of trial; also if the fine and costs, or any part thereof, has been paid, date of payment and amount of payment, and the justice shall at the time of making the report pay to the clerk the fines and costs shown by the report to be due for which the clerk shall issue a receipt on the official form. When he acquits the accused he shall certify the costs of the trial and to whom due; and if he rendered judgment against the prosecutor for costs, he shall so state. Should any justice fail to make report and payment at the time herein provided the clerk shall immediately by written notice, to be served by the sheriff of the county, or by the sergeant of the city, as the case may be, notify the justice that unless the report and payment is made within five days from date of service of the notice he will bring to the attention of the judge of the court in vacation, or to the court if in session or about to convene, his failure to comply with the law, and it shall be the duty of the judge in vacation or in term time to issue a rule against said justice to appear on a date fixed to show cause why he should not be removed from office.

The reports required by this section shall not be in lieu of the report which the clerk is required by the provisions of section twenty-five hundred and fifty-one of the Code of Virginia to make to the court, nor in lieu of the report which the clerk is required to make to the auditor of public accounts under provisions of section twenty-five hundred and sixty-three of the Code of Virginia, but shall be in addition to the reports required by those sections.

2. This act shall be in force on and after September first, nineteen hundred and twenty-two.

CHAP. 463.—An ACT to amend and re-enact section 10 of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section 189 of the Constitution, approved April 16, 1903, and acts amendatory thereof. [H B 274]

### Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section ten of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on

the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution, approved April sixteenth, one thousand nine hundred and three, as heretofore amended, be amended and re-enacted so as to read as follows:

Section 10. The classification under schedule D providing for the taxation of income shall be as follows, to-wit:

1. The aggregate amount of income of each person and corporation residing or doing business in this State, whether received or due but not received within the year next preceding the first of January in each year, subject to the deductions and exemptions hereinafter recited.

The terms "person" and "corporation" as used in this act are hereby defined as follows:

(a) The term "person" shall mean and include any individual,

firm or copartnership.

- (b) The term "corporation" shall mean and include every incorporated company, every joint stock company, and every association having capital stock represented by shares or certificates of stock, organized for profit.
  - 2. The term "income" as used in this act shall include:
- (a) All rents, including ground rents and rents charge, salaries, wages, fees or compensation of whatever kind from professions, vocations or other services.
- (b) All interest upon notes, bonds or other evidences of debt of every description, including those of other States or other countries (except bonds of this State and bonds of the United States), of any corporation, company, partnership, firm or individual, all dividends derived from stock or other evidences of ownership or interest in property, but not including dividends paid in stock; all royalties derived from mines, patents, copyrights, or the possession or use of franchise or legalized priviliges of any kind; and all annuities from invested funds or trusts; provided, that the proceeds of life insurance policies paid upon the death of the person insured or payments made by or credited to the insured on life insurance, endowment or annuity contracts, upon the return thereof to the insured at the maturity of the term mentioned in the contract or upon surrender of contract, shall not be included as income.
- (c) All profits derived from the transaction of business or from the sale of real or personal estate. No matter whether the property sold was acquired during the taxable year or any year prior thereto; provided, however, that if the property sold was acquired prior to March first, nineteen hundred and thirteen, the profit realized shall be computed by subtracting its fair market value on March first, nineteen hundred and thirteen, from the amount realized from the sale. In any event the taxes and insurance paid together with six per centum per annum on the cost price of the property from the date of purchase until sold, and the amount actually expended in repairs and perma-



nent improvements upon the property sold, less any income from said property, shall be deducted in computing the profit derived from the sale thereof.

The amount realized from all farming, stock raising and

agricultural operations.

- (e) All other gains and profits derived from any source whatever.
- 3. There shall be exempt from taxation under this schedule income as follows:
- (a) To an individual income up to and including the sum of one thousand dollars.
- (b) To husband and wife living together income up to and including the sum of two thousand dollars.
- (c) For each additional person who is actually supported by and entirely dependent upon the taxpayer for support, the sum of four hundred dollars.
- (d) In computing said exemptions and the amounts of taxes payable by persons residing together as members of a family, the income of the wife and the income of each child under twenty-one years of age shall be added to that of the husband or father, or if he be not living, to that of the head of the family, and assessed to him. The taxes levied thereon shall be payable by such husband or head of the family, but if not paid by him may be enforced against any person whose income is included in the assessment.

Salaries, wages and other compensation received from the

United States by officials or employees thereof.

- (f) Pensions received from the United States or from the State of Virginia.
- (g) Income received by the United States, the State of Virginia or any political sub-division thereof.
  - (h) The value of property acquired by gift within the year not

exceeding the sum of one thousand dollars.

- (i) All inheritances, devises and bequests received during the year which are subject to the inheritance tax laws of this State and have actually been assessed under such laws, but income received from such inheritances, devises and bequests shall be assessed under the provisions of this schedule.
- (j) Any amounts received through accident or health insurance or under workman's compensation acts as compensation for personal injuries or sickness, and the amount of any damage received whether

by suit or agreement on account of such injuries or sickness.

4. Persons and corporations in reporting income for purposes

of taxation shall be allowed the following deductions:

(a) Payments made within the year for salaries of officers, wages of employees and a reasonable allowance for service of copartners or members of a firm actually rendered in producing such income, but no deductions shall be made for any amount paid for personal services unles there be reported the name and address and amount



paid each such officer, employee or co-partner residing within the State to whom the sum of one thousand dollars or more shall have been paid during the assessment year.

(b) The necessary expenses actually paid within the year in carrying on the profession, occupation or business from which the

income is derived, not including personal or family expenses.

- (c) A reasonable annual allowance for depreciation by use, wear, tear and obsolescence of the property from which the income is derived, on the basis of its cost in cash or the equivalent of cash; but no deduction shall be made for any amount of expenses of restoring property or making good the exhaustion thereof for which an allowance is or has been made; and no deductions shall be allowed for any amount paid for books, tools, instruments, machinery, appliances, furniture or fixtures, buildings, permanent improvements or betterments, or other taxable property purchased, whether used in connection with the business or not.
- (d) Losses sustained during the income year and not compensated for by insurance or otherwise if incurred in trade or business, or if incurred in any transaction entered into for profit though not connected with the trade or business; and also losses sustained during the income year of property not connected with the trade or business, if arising from fire, storm, shipwreck, or other casualty, or from theft, and not compensated for by insurance or otherwise.
- (e) Debts due taxpayer actually ascertained to be worthless and actually charged off within the income year, if the amount has previously been reported for taxation as gross income, provided said debts are listed showing amounts, when due, and names of debtors.
- (f) Sums paid by the taxpayer within the year for all taxes imposed by this State or any sub-division thereof; but not including assessments for local improvements or income or inheritance taxes.
- (g) Dividends or profits received from stock or an interest in any corporation or copartnership the income of which shall have been assessed under the provisions of this act, provided that when only part of the income of any corporation or copartnership shall have been assessed under this act only a corresponding part of the dividends or profits received therefrom shall be deducted.
- (h) All interest paid within the year on existing indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities the interest from which is exempt from taxation under this act.
- (i) The actual amount paid during the year for repairs to and maintenance of buildings the rent of which is reported as income, and all fire, tornado and casualty insurance premiums on property in this State due and paid during the year, provided that no deductions shall be made for expenses chargeable to residence property occupied by its owner, nor for the depreciation thereof, and the annual value of estimated rental thereof shall not be included in the income subject to taxation.

- 5. Persons and corporations doing a part of their business within the State and a part without the State, and having offices or other regular places of business both within and without the State, shall be taxed only upon such income as is derived from business transacted and property located within the State, which may be determined by an allocation and separate accounting for such income when the books of such person or corporation show income realized from such transactions and property located within the State; otherwise such income shall be apportioned and determined as follows: The gross business in dollars, of the person or corporation in the State, including the business of production measured by cost of production and the business of distribution or sales measured by the value of gross sales less the cost of production for the year ending December thirtyfirst, shall be added to the book value of the gross assets on the first day of January of the year for which return is being made, employed in the business within this State (with no deductions on account of any encumbrance thereon). The sum so obtained shall be the numerator of a fraction of which the denominator shall consist of the total gross business, as above defined, of the person or corporation both within and without the State, added to the total book value of the gross assets on the day last aforesaid, wherever employed in business (with no deductions on account of any encumbrance thereon). The proportion of the entire net income of such person or corporation which is represented by the fraction so obtained shall be the net income of such person or corporation returnable for taxation in this State.
- 6. Corporations which are affiliated within the meaning of this paragraph, may, under regulations to be prescribed by the auditor of public accounts, make a consolidated return of income for the purpose of this section, and the taxes thereunder shall be computed and determined upon the basis of such return. In any case in which a tax is assessed upon the basis of a consolidated return, the total tax shall be computed in the first instance as a unit and shall then be assessed upon the respective affiliated corporations in such proportions as may be agreed upon among them, or, in the absence of any such agreement, then on the basis of the income properly assignable to each. For the purpose of this section two or more corporations shall be deemed to be affiliated if one corporation owns directly or controls through closely affiliated interests, or by nominee or nominees, substantially all the stock of the other or others, or if substantially all of the stock of two or more corporations is owned or controlled by the same interests.
- 7. Guardians, trustees, executors, administrators, committees, agents, receivers, curators, conservators, and all persons or corporations acting in any fiduciary capacity, hereinafter called fiduciaries, shall make and render a verified list or return of the amount of income of every person for whom they act, subject to this tax, coming into their custody or control and management, and be subject



to all of the provisions of this section which apply to individuals; provided that no deduction or exemption shall be allowed which has been otherwise claimed by or for any person for whom they act. When the return of income has been made by a fiduciary according to the provisions of this section and the tax on same has been paid or withheld, such income shall not be again taxed under this schedule when it is distributed or paid to the beneficiaries.

8. The auditor of public accounts shall prepare and furnish to the commissioner of revenue necessary forms of interrogatories for the assessment of the income tax, separate and distinct from other forms of interrogatories. And the commissioner of the revenue shall require the taxpayer to answer such questions and to furnish such information touching his income as is required in the said interrogatories.

9. In entering the income tax returns of each year, the commissioner of the revenue shall not use for such entry the property book, or any other public record book, but shall use a special book, which shall be furnished by the auditor of public accounts, and such book and the return blanks containing the statements of incomes shall be kept safely by the commissioner under lock and key except when in their personal possession, and shall not be inspected by any person not officially entitled to inspect them, and the commissioner shall not give to any person, except some other officer authorized by law, or by special order of a court of competent jurisdiction to receive the same, any information regarding such returns.

10. The treasurers of the several counties and cities of the State, and the auditor of public accounts shall keep under lock and key all lists of individuals paying tax upon incomes and shall not permit the same to be inspected, except by tax officers of this State; provided, that in the event the United States government, or any other State, allows this State's officials to examine its income tax returns, then this State shall allow an inspection of its income tax returns by proper officials of the United States government, or such other State, whose official duties require them to make such inspection; nor shall they give any information to any person other than those hereinbefore enumerated except in obedience to a decree or order of a court of competent jurisdiction.

11. The provisions of this act shall apply to the assessment and collection of income taxes for the year nineteen hundred and twenty-two upon income received or due but not received during the year nineteen hundred and twenty-one, and to the assessment and collection of income taxes for subsequent years.

CHAP, 464.—An ACT to prohibit the sale of deer in this State.

[H B 23]

### Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person, firm, or corporation, to sell or buy, or to offer to sell or offer to buy, the carcass or any part of the carcass of any deer, or any live deer, except for breeding purposes, in this State within two years from date of the passage of this law; provided, however, that the commissioner of the department of game and inland fisheries may purchase live deer for propagation purposes only.

The violation of any of the provisions of this chapter shall be deemed a misdemeanor, and punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars for the first deemed a misdemeanor, and punishable by a fine of not less than one hundred dollars, or imprisonment in jail for not more than thirty days for the first offense, and for the second or any subsequent offense not less than ninety days, or both, in the discretion of the justice or jury trying the case.

CHAP. 465.—An ACT to authorize the commissioner of game and inland fisheries to permit bona fide owners of fox hounds, actually used for fox hunting, to release such hounds from confinement at any time. [H B 57]

# Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That the commissioner of game and inland fisheries be, and he is hereby, authorized to issue permits to legal residents of this State who are bona fide owners of fox hounds, actually used for fox hunting, on which the kennel tax required by law has been paid, allowing such owners to permit such fox hounds to run at large at any time, whether or not accompanied by the owner or his agent; and it shall be lawful for such fox hounds, to the owners of which such permits have been issued, to run at large at any time, whether accompanied by the owner or his agent or not, provided that not more than thirty fox hounds may be kept under such permit as is provided in this act; provided, however, that the counties of Fauquier, Rockingham, Craig, Shenandoah, and Rappahannock be excluded from the provisions of this act.

CHAP. 466.—An ACT to amend and re-enact section 3325 of the Code of Virginia.

[H B 395]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-three hundred and twenty-five of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 3325. Compensation regular and supervising game wardens. -The regular game wardens shall be employed for such time and receive such salary as the commissioner shall fix upon not to exceed seventy-five dollars per month in counties and cities containing less than twenty thousand inhabitants and not exceeding seventy-five dollars per month in counties and cities containing more than twenty thousand inhabitants; provided, however, such county and city game wardens receiving the maximum salary provided in this act shall be required by the commissioner to devote their whole time to the service. Supervising game wardens shall receive a salary of not more than one hundred dollars per month and be allowed their necessary traveling expenses while traveling in the discharge of their official duties. All game wardens receiving salaries shall be required to make weekly and monthly reports on forms furnished by the commissioner showing number of miles traveled each day and where they went, arrests made and outcome of all trials, with amount of fines and costs imposed if any, number of hunting and fishing licenses inspected and such other information as the commissioner may require. No salary checks shall be sent any game warden until such reports are received by the commissioner.

CHAP. 467.—An ACT to amend and re-enact sections 3205 and 3209 of the Code of Virginia.

[H B 324]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That sections thirty-two hundred and five and thirty-two hundred and nine of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 3205. To protect certain fish in the bays, creeks, inlets and streams tributary to the Potomac river.—It shall be unlawful to capture or kill any species of fish known as black bass, green bass, chub, crappie, calico or strawberry bass, by means of any haul seine, drag net, pouch net, or any other devise hauled from and landed on the shore, or hauled from any other place or contrivance and landed on the shore or elsewhere, in any of the bays, creeks, inlets and streams tributary to the Potomac river, in the State of Virginia, in tidewater, or above tidewater, or to kill any of said species of fish by means of explosives, drugs or poison, at any time in any of the aforesaid waters.

Provided, however, that in the counties of King George and Staf-

ford it shall be lawful between December first and March first to catch said fish with seine, net, pound or any other devise, and to sell

and market the same outside of the State of Virginia.

Sec. 2309. Non-residents to obtain license.—It shall be unlawful for any non-resident of the State to angle with pole or rod and hook and line for fish in any of the waters of the State without first procuring a license in the same manner as provided for non-resident hunting license, except that fee for fishing license shall be two and a half dollars.

CHAP. 468.—An ACT to authorize the commissioner of the department of game and inland fisheries to issue non-resident hunting and fishing licenses to United States field inspectors of the bureau of biological survey, department of agriculture, and United States field inspectors of the bureau of fisheries, department of commerce. [H B 392]

## Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That the commissioner of game and inland fisheries is authorized to issue non-resident hunting and fishing licenses to the field inspectors of the bureau of biological survey and the bureau of fisheries of the United States, residents of the city of Washington, D. C., upon application for such by the chiefs of said bureaus, provided, that not more than ten such licenses shall be issued on request to said inspectors in each bureau in any one callendar year.

CHAP. 469.—An ACT making it unlawful for any person to drive or permit to be driven on the public roads and highways of this State any motor vehicle at any time with the muffler cut out or not in operation. [H B 238]

## Approved March 27, 1922.

- 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to drive or permit to be driven on the public roads and highways of this State any motor vehicle at any time with the muffler cut out or not in operation, except in cases of accident to said muffler.
- 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding fifty dollars.

Provided, however, that the provisions of this act shall not be effective in any county of this State until adopted by the board of supervisors of such county.

CHAP. 470.—An ACT to amend and re-enact section 1028 of the Code of Virginia. LS B 266]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section one thousand and twenty-eight of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 1028. Examination of persons adjudged insane, epileptic, feeble-minded or inebriate.—When a person who has been adjudged insane, epileptic, feeble-minded or inebriate is admitted to a hospital or colony, he shall be detained until the superintendent and his assistants shall have ample opportunity to observe and examine him. and if upon such examination such superintendent is of the opinion that said person is not insane, epileptic, feeble-minded or inebriate, then such person, unless he be charged with or convicted of crime, shall be returned by said hospital authorities to the county or city from whence said person was committed, with a certificate of discharge, and a copy of said certificate shall be forwarded by said superintendent to the clerk of the circuit court of said county or clerk of the corporation court of said city, to be filed with the commitment papers of said persons, but if the said superintendent and his assistants, after taking ample time to observe and examine him, and if upon such examination the said superintendent be of the opinion that he is insane, epileptic, feeble-minded or inebriate then it shall be the duty of such superintendent to forthwith report in writing to the physicians who examined such person as members of the lunacy commission his findings giving a full report of the case, as well as any suggestion he may think best to enable the said physician to successfully treat any other similar cases coming under their observation or to treat the said patient if he should later be discharged from such hospital.

## Approved March 27, 1922.

- 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Albemarle county be, and is hereby, authorized to negotiate a loan from time to time and issue bonds of said county therefor, for an aggregate amount not exceeding fifty thousand dollars (\$50,000.00), to be used in the permanent improvement and maintenance of the public roads in Samuel Miller magisterial district of said county, leading from State highway number nine (9) at Brownsville to the Miller school in Samuel Miller district.
- That the bonds to be issued hereunder shall bear interest at the rate of not more than five per centum (5%) per annum, payable semi-annually, shall be issued by the board of supervisors

CHAP. 471.—An ACT to authorize the board of supervisors of Albemarle county to negotiate a loan and issue bonds of said county for the purpose of improving the public highways in Samuel Miller magisterial district of said county, and to levy a special district tax in said district to pay said bonds and the interest thereon. [S B 422]

of such county and shall be signed by the chairman of said board of supervisors and have the seal of said board attached and attested by the clerk of said board, and shall be in such denomination and payable at such time or times as the board of supervisors may elect, and said bonds shall not be sold at less than par, and each of said bonds issued hereunder shall have written or printed on the face thereof the following words, to-wit: "This bond and the interest thereon is to be paid by a special tax to be levied on the district in the county of Albemarle known as Samuel Miller magisterial district."

- The board of supervisors of Albemarle county, after said loan has been negotiated and the bonds issued, when the county levy is made or imposed in said county, shall levy a tax on all property now or hereafter liable to a levy at a rate not in conflict with general law in that part of said county known as Samuel Miller magisterial district, sufficient to meet the interest on said bonds as it matures, and to create a sinking fund to pay the principal thereof, the amount of said sinking fund to be fixed by said board, and to be invested by the treasurer of said county, under the supervision and direction of said board of supervisors in such manner as said board may direct, until the same shall be needed to pay the principal of said bonds and shall then be used for that purpose, and from year to year said levy or assessment shall be made as long as it may be necessary to meet said interest and to provide for the payment of the principal of said bonds, and no tax shall be levied for the purpose of paying any bonds under this act nor the interest thereon in any other part of said county.
- 4. For the reason that an emergency exists in this district this act shall be in force from its passage.

Chap. 472.—An ACT to authorize and empower the board of supervisors of Halifax county to borrow \$60,000 and to issue notes therefor, for the purpose of paying off the indebtedness existing against the county road fund and the general county fund of said county; and to repeal an act entitled an act to authorize and empower the board of supervisors of Halifax county to borrow \$40,000 and to issue notes therefor for the purpose of paying off the indebtedness existing against the county road fund and the general county fund of said county, approved February 17, 1922. [S B 471]

### Approved March 27, 1922.

Whereas, there is an outstanding indebtedness against the county road fund and the general county fund of Halifax; and

Whereas, it is deemed advisable by the board of supervisors of said county that notes should be issued for the purpose of funding the said indebtedness; therefore

1. Be it enacted by the general assembly of Virginia, as follows: Section 1. The board of supervisors of Halifax county is hereby authorized and empowered to borrow a sum not exceeding sixty thousand dollars, and to issue notes therefor, said notes to be issued

in such denominations as the said board may provide, and shall be payable in ten years, bearing interest not exceeding six per centum per annum. The said notes shall not be sold for less than par, and may be redeemed by the board of supervisors at any time after the expiration of five years from their date of issue.

Sec. 2. The notes authorized by this act shall be signed by the chairman of the board of supervisors and countersigned by the clerk thereof, and the proceeds thereof shall be used by the said board in retiring the indebtedness that appears against the county road fund and the general county fund on November thirtieth, nineteen hundred and twenty-one.

Sec. 3. The treasurer of Halifax county shall annually set aside, out of the general levy, and charge against the respective funds in the proportion as the said indebtedness exists, a sum sufficient to pay the interest on the said notes and to create a sinking fund to redeem the principal thereof at maturity.

- 2. An act entitled an act to authorize and empower the board of supervisors of Halifax county to borrow forty thousand dollars and to issue notes therefor for the purpose of paying off the indebtedness existing against the county road fund and the general county fund of said county, approved February seventeenth, nineteen hundred and twenty-two, is hereby repealed.
- 3. An emergency existing, this act shall be in force from its passage.

CHAP. 473.—An ACT to authorize the board of supervisors of Lee county to issue bonds of said county on behalf of the Yokum Station magisterial district thereof, for a sum not exceeding fifty thousand dollars (\$50,000.00) for the purpose of providing funds to macadamize and otherwise permanently improve a certain road of said district, known as the Keokee road, leading from the Wise county line on top of Dividing Ridge, to the town of Keokee, a distance of approximately three and one-half (3½) miles, and such additional distance beyond and west of Keokee leading to the Lower Crab Orchard country, as can be permanently improved out of such funds; and to levy taxes to pay the interest therton, and to create a sinking fund for the payment of principal of said bonds at maturity. IS B 4241

# Approved March 27, 1922.

Whereas, the members of the board of supervisors of Lee county have expressed a desire that said board be authorized by the general assembly of Virginia to issue and sell bonds of said county on behalf of the Yokum Station magisterial district thereof, to an amount not exceeding fifty thousand dollars (\$50,000.00) for the purpose of macadamizing and otherwise permanently improving a portion of a public road of said district, known as the Keokee road, for the reason that there are not and will not within a reasonable time be available funds of said district for such improvement, for the reason that such road is in such deplorable condition, although it is a road of great importance to the citizens of said district, connecting the same with an excellent macadamized road leading to the State highway, and the early

completion thereof is demanded; therefore,

- 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Lee county, on a petition in writing of one hundred freeholders of said district, be and it is hereby authorized and empowered, in its discretion, to proceed immediately, or from time to time, as it may deem expedient, to issue bonds for and on behalf of the Yokum Station magisterial district of said county, not to exceed the sum of fifty thousand dollars (\$50,000.00), for the purpose of providing funds to macadamize and otherwise permanently improve that portion of the public road in said district in the northern part thereof, known as the Keokee road, from the Wise county line on top of Dividing Ridge, to the town of Keokee, a distance of approximately three and one-half  $(3\frac{1}{2})$  miles, and to permanently improve so much more of said road beyond and to the west of the town of Keokee as can be reasonably improved with such funds after the macadamizing and permanent improvement of the section of said road aforesaid. Such bonds shall be signed by the chairman of said board of supervisors and countersigned by the clerk thereof under seal of the said board; shall be payable or redeemable at such time or times, not exceeding thirty (30) years from the date of issue, and to bear interest payable at such times and at such rate, not exceeding six (6) per centum per annum, and to be in such denominations, and either coupon or registered, as the said board may determine. There shall be printed on the face of said bonds the following: bonds are issued for road improvement in the Yokum Station magisterial district of Lee county, but the full faith and credit of Lee county is pledged for the payment of the interest thereon and the principal thereof at maturity." The sale of such bonds may be conducted and effected in such manner as the said board may determine; provided, they shall not be sold for less than their par value.
- 2. The said board of supervisors shall annually levy a tax upon all the property within the said magisterial district subject to taxation for such purpose, at a rate not in conflict with general law including such property located, or the situs whereof for taxation may be, within the limits of the incorporated towns of said district, at such rate as will be sufficient to pay the interest on said bonds, and to create a sinking fund for the payment of the principal thereof at maturity.
- 3. By reason of the fact that the public interest requires that said road work be commenced as soon as possible, an emergency is hereby declared to exist, and this act shall be in force from its passage.

CHAP. 474.—An ACT to amend and re-enact section 3319 of the Code of Virginia.

[S B 282]

Approved March 27, 1922.

Approved March 21, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-three hundred and nineteen of the Code of Virginia, be amended as follows:

Sec. 3319. Commissioner shall appoint game wardens.—The commissioner shall appoint such regular, special and supervising game wardens as he may deem necessary to enforce the laws, which appointment shall be based upon a practical knowledge of the animal, bird and fish life and the game laws of this State and such person so appointed shall be known as game wardens and hold office during the pleasure of the commissioner appointing them, and until their successors are duly appointed; provided, however, there shall not be less than one regular game warden in each county.

CHAP. 475.—An ACT providing for the collection of specimens of birds and their nests and eggs for scientific and educational purposes only. [S B 409]

### Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That the commissioner of the department of game and inland fisheries shall be empowered to grant certificates at his discretion which shall be good for the current year, revocable at any time by him, and said certificate shall not be transferable. These certificates may be issued to any person of known scientific attainment in ornithology or to the agent of any public museum or to a teacher of ornithology in any school within this Commonwealth, authorizing the holder thereof to take birds, their nests and eggs, for strictly scientific study and not for sale or exchange. No such certificate shall be issued to taxidermists.

The number of birds that may be taken under a certificate of this character shall be limited to eight of each species with nests to the number of two and the eggs found therein.

The holder of a certificate under this chapter shall render an accurate account annually to the said commissioner of every specimen taken by him or her and disposition of same, and no renewal of any certificate shall be had unless such an accounting is duly filed.

Persons taking a greater number of birds, their nests or eggs than is permitted in this act, or the shipping of the same out of the State except for educational purposes, or the sale of skins of such birds or parts thereof either mounted or otherwise or their eggs or in any manner violating any provision of this act shall be deemed to have committed a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or confined in jail for not more than six months, or both, in the discretion of the justice or the jury trying the case.

CHAP. 476.—An ACT to amend and re-enact section 18 of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section 189 of the Constitution, approved April 16, 1903, and acts amendatory thereof. [S B 439]

### Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section eighteen of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions, as authorized by section one hundred and eighty-nine of the Constitution, approved April sixteenth, one thousand nine hundred and three, and acts amendatory thereof, be amended and re-enacted so as to read as follows:

Section 18. It shall be the duty of the commissioner of the revenue as soon as he receives such report to assess upon each stockholder upon the actual value of the shares of stock owned by him a tax at the rate of ten cents on each one hundred dollars of the actual value of such stock which shall be applied to the public free schools of the State and to be apportioned on a basis of school population and to assess upon each stockholder upon the actual value of the shares of stock owned by him, any special State taxes heretofore or hereafter imposed upon such shares of stock along with other property. It shall be the duty of the commissioner of the revenue of each city of the State, as soon as he receives such report, to assess upon each stockholder upon such actual value of the shares of stock owned by him a tax levied by the city council or other governing bodies thereof of not exceeding eighty-five cents on every one hundred dollars of actual value thereof; provided, that such city council or other governing body may, in its discretion, direct said commissioner of the revenue to deduct from the value of such shares of stock of such bank, for the purposes of local taxation only, the value of any municipal bonds of that particular municipality held by such bank. The word "bank" for the purposes of this act shall be so construed as to include banks, baking associations, trust and security companies. It shall likewise be the duty of the commissioners of the revenue in the several counties of the State to assess upon each stockholder a tax to be levied by the board of supervisors or other governing body of not exceeding eighty-five cents on every one hundred dollars of actual value thereof, for county and district and district school purposes, except upon the stock of banks located in incorporated towns, in which case the rate shall not exceed twenty cents for such purposes; provided the sum to be derived from any such district levy shall be expended by said board only in those districts wherein such bank or banks are located. And it shall be the duty of the commissioners of the revenue or other assessing officers of the several incorporated towns in which such bank or banks are located to assess upon stockholders, a tax to be levied by the council or other governing body thereof, of not exceeding sixty-five cents on every one hundred dollars of actual value thereof for town purposes. Provided that such board of supervisors and council of towns or other governing bodies may, in their discretion, direct such commissioners of the revenue to deduct from the value of such shares of stock of such bank for purposes of local taxation only, the value of any county or town bonds of said county or town, held by such banks, provided that any incorporated town which does not constitute a separate school district shall appropriate not less than fifty per centum of the fund derived from said taxes, and may appropriate the whole thereof to be used for school purposes in the school district in which said town is located. The said tax shall be in lieu of all other taxes whatsoever for State, county or local purposes upon the said shares of stock.

The commissioners of the revenue shall make out three assessment lists, give one to the bank, banking association, trust or security company, send one to the auditor of public accounts, and retain one. The assessment list so delivered to said bank, banking association, trust or secruity company, shall be notice to the bank, banking association, trust or security company of the tax assessed against its stockholders and each of them, and shall have the legal effect and force of a summons upon suggestion formally issued and regularly served. The tax assessed upon each stockholder in said bank, banking association, trust or secruity company shall be the first lien upon the stock standing in his name and upon the dividends thereof due and to become due, no matter in whose possession found, and shall have priority over any and all liens by deeds of trust, mortgages, bills of sale, or other assignments made by the owner or holder, and take priority over all liens by execution, garnishment or attachment process sued out by creditors of the stockholders. The bank, banking association, trust or secruity company shall hold the dividend or other fund belonging to the stockholder and in its custody, at the time the assessment list is received or that thereafter shall come under its control, and apply the same to the payment of the tax assessed, and when thus applied shall be acquitted and discharged from all liability to the stockholder for the money so disbursed.

2. This act shall apply to the assessment and collection of taxes and levies on shares of bank stock for the year nineteen hundred and twenty-two and until otherwise provided by law.

Approved March 27, 1922.

CHAP. 477.—An ACT to prevent the manufacture, sale, or transportation within the Commonwealth of adulterated or misbranded Paris greens, lead arsenates, lime-sulphur compounds, and other insecticides and fungicides, and regulating traffic therein; providing for inspection of such materials, and imposing penalties.

[S B 215]

Section 1: Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to manufacture, sell, or offer

for sale, within the Commonwealth, any insecticide or fungicide which is adulterated or misbranded, within the meaning of this act.

- Sec. 2. That it shall be unlawful for any person to defraud any other person by knowingly or recklessly misrepresenting the value of any treatment applied to trees, shrubs, vines, or other plant material, or to any animal, for preventing, destroying, repelling or mitigating any insect, fungus, or bacterial disease, or for accelerating its growth or productive powers.
- Sec. 3. That the commissioner of agriculture and immigration shall promulgate uniform rules and regulations for enforcing this act, including the collection and examination, by existing agencies, of insecticides and fungicides, manufactured or offered for sale in the Commonwealth, for the purpose of determining whether such articles are adulterated or misbranded within the meaning of this act; and, if it shall appear after such examination that any of such specimens are adulterated or misbranded within the meaning of this act, the commissioner of agriculture and immigration shall cause notice thereof to be given to the person from whom such sample was obtained. Any person so notified shall be given an opportunity to be heard at a designated time and place; and, if it appears that any of the provisions of this act have been violated, the commissioner of agriculture and immigration shall cause the certification of such facts to the proper court, with a copy of the results of the analysis or examination, authenticated by the analyst or expert, under oath. Results of analysis or examinations of insecticides and fungicides may be published, under the direction of the commissioner of agriculture and immigration.

Sec. 4. That for the purposes of this act, the word "person" shall include corporations, companies, societies, associations, partnerships,

or any individual or combination of individuals.

Sec. 5. That the term "insecticides," as used in this act, shall include any substance, or mixtures of substances, intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation, man or animals, or households, or be present in any environment whatsoever. The term "Paris green," as used in this act, shall include the product sold in commerce as Paris green, and chemically known as the aceto-arsenite of copper. The term "lead arsenate," as used in this act, shall include the product or products sold in commerce as lead arsenate, and consisting chemically of products derived from arsenic acid, by replacing one or more hydrogen atoms by lead. That the term "fungicide," as used in this act, shall include any substance, or mixture of substances, intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation, man or animals, or be present in any environment whatsoever.

Sec. 6. That, for the purpose of this act, an article shall be

deemed to be adulterated:

In the case of Paris green—First, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in water soluble forms equivalent to more than three and one-half per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its

quality or strength.

In the case of lead arsenate paste—First, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxid; third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths per centum of arsenic oxid. In the case of dry powdered lead arsenate—First, if it contains total arsenic equivalent to less than twenty-five per centum of arsenic oxid; second, if it contains arsenic in water soluble forms equivalent to more than one hundredth per centum of arsenic oxid; fourth, if any substances have been mixed and packed with either form of arsenate of lead so as to reduce, lower, or injuriously affect its quality or strength. Provided, however, that extra water may be added to lead arsenate (as described in this paragraph), if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

In the case of insecticides or fungicides other than Paris green and lead arsenate—First, if its strength, purity or efficacy fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation, and shall contain any substance or substances which, although preventing, destroying repelling or mitigating insects or fungi, shall be injurious to such vegetation when used under normal

conditions according to the direction of the manufacturer.

Sec. 7. That the term "misbranded," as used herein, shall apply to all insecticides, Paris green, lead arsenates, or fungicides, or articles which enter into the composition of insecticides or fungicides, the package, label, or accompanying descriptive circulars of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to all insecticides, Paris greens, lead arsenates, or fungicides, which are falsely branded as to the State, territory or country in which they are manufactured or produced.

That, for the purposes of this act, an article shall be deemed to

be misbranded:

In the case of insecticides, Paris green, lead arsenates, and fungicides—First, if it be an imitation, or offered for sale under the name of another article; second, if it be labled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package; third, if the quantity of the contents be not plainly and correctly marked on the outside of the package, in terms of weight, measure, or numerical count.



In case of insecticides and fungicides—First, if the correct names and percentage amounts of each and every ingredient of the insecticides or fungicides having insecticidal or fungicidal properties are not plainly stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form, and the amount of arsenic in water soluble form (expressed as per centum of metallic arsenic or arsenic oxid) is not stated on the label; third, if it consists, partially or completely, of an inert substance or substances which do not effectively prevent, destroy, or repel insects or fungi, and does not have the names and percentage amounts of each and every one of such inert ingredients, and the fact that they are inert, plainly and correctly stated on the label. Provided, however, that in lieu of naming and stating the percentage amounts of each and every inert ingredient the producer may state on the label the total percentage of inert ingredients present and the fact that they are inert.

Sec. 8. That any insecticide or fungicide that is condemned as being adulterated or misbranded, within the meaning of this act, shall be confiscated and disposed of by destruction, or in such other

manner as the court may direct.

Sec. 9. Any person who shall violate any of the provisions of this act, or any rule or regulation of the commissioner of agriculture and immigration promulgated under this act, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not to exceed two hundred dollars for the first offense; and, upon conviction for each subsequent offense, be fined not to exceed three hundred dollars, or sentenced to imprisonment for not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

CHAP. 478.—An ACT for the relief of F. P. Pulley.

IS B 3961

# Approved March 27, 1922.

Whereas, F P. Pulley was appointed assessor of lands for district number one of Southampton county in December, nineteen hundred and nineteen, and duly qualified as such prior to January first, nineteen hundred and twenty, and

Whereas, he did not receive the books, which should have been furnished to him immediately, until April, nineteen hundred and twenty, and for this reason he was so much delayed that he was unable to complete the assessment within the time required by law, but was engaged in such work for twenty-one and one-half days after September thirtieth, nineteen hundred and twenty, and

Whereas, the auditor of public accounts has refused to pay him for the work performed after September thirtieth upon the grounds

that the law makes no provision for the same, and

Whereas, the said F. P. Pulley is entitled to the sum of three dollars per day for the work so performed, being the aggregate sum of sixty-four dollars and fifty cents, now, therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized and directed to draw his warrant in favor of F. P. Pulley, for the sum of sixty-four dollars and fifty cents, on the treasurer of Virginia, payable out of any funds in the treasury not otherwise appropriated, in full payment of all claims of the said F. P. Pulley for compensation for services hereinbefore set out.

CHAP. 479.—An ACT to provide for payment of compensation to Mrs. G. H. Stevens for services as assistant land assessor for the city of Norfolk.

[S B 121]

### Approved March 27, 1922.

Whereas, Mrs. G. H. Stevens was appointed an assistant land assessor for the city of Norfolk on the seventh day of June, nineteen hundred and twenty and served as such for a period of one hundred and fifty-three days, from the fifth day of June until the thirtieth day of November, nineteen hundred and twenty; and

Whereas, such assessors are entitled by law to compensation in

the sum of three dollars per day; and

Whereas, on application, as provided by law, to the auditor, for payment of four hundred and fifty-nine dollars compensation for service rendered by Mrs. G. H. Stevens, the said auditor refused to pay the sum upon the ground that she did not qualify by taking the oath of office and executing bond as required by law; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized and directed to draw his warrant on the treasurer of Virginia in favor of Mrs. G. H. Stevens for the sum of four hundred and fifty-nine dollars, payable out of money in the treasury not otherwise appropriated, in full payment of her claim on account of services rendered as said assistant land assessor.

CHAP. 480.—An ACT to amend and re-enact section 2775 of the Code of Virginia. [S B 358]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-seven hundred and seventy-five of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 2775. Treasurers of counties and auditors of cities to file with auditor of public accounts detailed statements of annual receipts and disbursements.—The treasurers of the several counties and the auditors of the several cities of the Commonwealth shall, not later than the first day of September in each year, file with the auditor of public accounts, on forms to be furnished by him, a detailed state-

ment showing the amount of receipts and disbursements of the county or city, as the case may be, for the preceding fiscal year of the county or city, which detailed statement shall be certified to by the chairman of the board of supervisors of the county or the mayor of the city, and in so far as it concerns school funds by the division superintendent of schools, three additional copies of the statement aforesaid shall be made, one of which shall be filed with the clerk of the board of supervisors of the county or the city clerk of the city, one with the division superintendent of schools and one in the office of the treasurer or auditor making the statement. For failure of the treasurer of the county, or the auditor of the city, to comply with the provisions of this section he shall be liable to a fine of fifty dollars to be recovered at the request of the auditor of public accounts on motion of the attorney general before the circuit court of the city of Richmond.

To enable the treasurer of a county, and auditor of a city, to comply with the provisions of this section it is hereby made the duty of the division superintendent of schools for the county, or for the city, as the case may be, upon the request of the treasurer or auditor, as the case may be, to furnish information necessary to enable the treasurer or auditor, as the case may be, to report receipts and disbursements which relate to school funds, and any division superintendent of schools failing to perform that duty shall be liable to a fine of not less than fifty dollars to be recovered at the request of the treasurer by the attorney for the Commonwealth of the county on motion in the circuit court of the county, and at the request of the auditor of a city by the attorney for the Commonwealth of the city on motion in the corporation or hustings court of the city, but should the city have no corporation or hustings court, then on motion in the circuit court of the city.

CHAP. 481.—An ACT to amend and re-enact sections 1905 to 1922, inclusive, of the Code of Virginia. [S B 126]

Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That sections nineteen hundred and five to nineteen hundred and twenty-two, inclusive, of the Code of Virginia, be amended and re-enacted so as to read as follows:

Section 1905. Courts having exclusive original jurisdiction of cases of delinquent, dependent or neglected children; records and hearings.—Juvenile and domestic relations courts in cities and counties wherein the same have been or may hereafter be established according to law, and circuit courts of counties and corporation or hustings courts of cities wherein no juvenile and domestic relations court may be established, shall have exclusive original jurisdiction for the trial of all matters and cases arising under this chapter. Such courts shall

have power under the terms and provisions of this chapter to determine the question of the dependency, neglect or delinquency of any child or children within their respective jurisdictions, and when so adjudicated to declare such child or children to be, for the purposes of this chapter, wards of the State, and to make and enter such judgments or orders for their custody, discipline, supervision, care, protection and guardianship, as in the judgment of the court will be for the welfare and best interest of such child or children. In any case arising under this chapter the judge of the court may determine as between parents whether the father or mother shall have the cus-

tody, education direction and control of such child.

Each of said courts shall keep a separate docket or order book for the entry of its orders in cases arising under this chapter; and the trial of all such cases shall be held at a different time from the hearing of other cases in said courts; and no person shall be admitted to hear the trial of said cases except officers of the court, attorneys, and witnesses in the case, and the accused, and his relatives or guardian or custodian. The records of all such cases shall be withheld from indiscriminate public inspection, but such records shall be at all reasonable times open to inspection by the parent, guardian, or attorney of said child, or by the attorney for its parent or guardian. The hearing and proceedings herein provided for may be conducted in the judge's chamber or in any other room that may be provided for such cases, and in such places within the city or county as may be convenient to the court and to the parties concerned. No adjudication or judgment upon the status of any child under the provisions of this chapter shall operate to impose any of the disabilities ordinarily imposed by a conviction, nor shall any such child be denominated a criminal by reason of any such adjudication, nor shall such adjudication be denominated a conviction.

Section 1906. Terms defined.—For the purposes of this chapter the words "delinquent child" shall include a child under eighteen years of age who:

Violates a law of this State or a city, town or county ordinance, or

Is incorrigible; or

Is a persistent truant from school; or

Habitually associates with vagrants, criminals or reputed crimi-

nals, or vicious or immoral persons; or

Is an habitual loafer or vagrant; or uses habitually intoxicating liquor as a beverage, or who uses opium, cocaine, morphine, or other similar drug without the direction of a competent physician; or

Frequents a disorderly house, or house of ill fame; or

Frequents a gambling house or place where a gambling device is operated; or

Habitually and without restraint uses or writes, or circulates vile, obscene, vulgar, profane or indecent language, or is guilty of acts of moral perversion.

The words "dependent child" shall mean a child under eighteen years of age, who is homeless or destitute or dependent on the

public for support; or whose parents, for good cause, desire to be relieved of its care and custody or who is without a parent or guardian able to provide for its support, training and education and is unable to maintain himself by lawful employment, except such children as are herein defined as "neglected" or "delinquent."

The words "neglected child" shall mean a child under eighteen

years of age:

Who is abandoned by both parents, or if one parent is dead, by the survivor, or by his guardian; or

Who has no proper parental care or guardianship; or

Who habitually begs or receives alms; or

Who is found living in a house of ill fame or with vicious or

disreputable persons; or

Whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child; or

Whose parents or guardian neglect or refuse, when able to do so, to provide medical, surgical or other remedial care necessary for

its health or well-being; or

Whose parents or guardian permit such child under the age of sixteen years to engage in any occupation or calling defined by the child labor law as dangerous to the life or limb or injurious to the health or morals of such child;

All delinquent, dependent or neglected children, as defined in this chapter, shall be considered, for the purposes of this chapter, wards of the State and in need of care and protection, and proceedings under this chapter shall be for the purpose of determining whether or not the State should assume the guardianship, supervision, custody or control of the child in question.

Section 1907. Style and commencement of proceedings.—The style or title of the proceedings under the provisions of this chapter, when against a child, shall be "Commonwealth of Virginia in re " (inserting the name of child). Any reputable person having knowledge or information that a child, who resides in or who is actually within a city or county of this State, is within the provisions of this chapter, or subject to the jurisdiction of a court hereunder, may, and any probation officer having such knowledge or information shall, file with said court a verified petition, which petition shall set forth the name, residence and age of the child and name and residence of the parents, if known to the petitioner, and the name and residence of the person or persons having the guardianship, custody, control and supervision of such child, if the same be known, or can be ascertained by petitioner, or the petition shall state that they are unknown if that be the fact. The petitioner shall state the facts which bring said child within the provisions of this chapter, and it shall be sufficient for that purpose to aver that the child mentioned therein is "dependent," "neglected," or "delinquent," as the case may be, and in need of the care and protection of the State in that (here stating concisely the facts which bring

said child within said terms as herein defined), and said petition shall be sworn to by petitioner; but such affidavit may be made

upon the information and belief of affiant.

Section 1908. Issuance of summons.—Upon the filing of the petition, the clerk or judge shall forthwith, or after causing an investigation to be made by a probation officer or other person designated by said court or judge, cause a summons to be issued, signed by the judge or clerk of said court, requiring the child to appear before the court, and requiring the parents, guardian, or the person having the custody, control or supervision of the child, or the person with whom the child may be found, to appear with the child, at such time and place as may be stated in the summons, to show cause why the child should not be dealt with according to the provisions of this chapter. If it appears from the petition that the child has violated any penal law of this State (or any ordinance of a city, town or county) for which it might be prosecuted, or that the child is in such condition that its welfare requires that its custody be immediately assumed, the judge or clerk may endorse upon the summons a direction that the officer serving the same shall at once take said child into his or her custody. When any child is taken into custody under such summons, such child may, if in the judgment of the judge of said court it is not inconsistent with his or her welfare, be admitted to bail, or released on his or her own recognizance, or released into the custody of his or her parent, or of a probation officer or other person designated by the judge of said court. When not so released said child shall be detained pending the hearing of the case and final disposition of said child in accordance with the subsequent provisions of this chapter.

Section 1909. Service of summons.—Service of such summons within said county or city shall be made by delivering to and leaving with the person summoned a true copy thereof. If the child mentioned in the petition be present in court, no summons to said child shall be necessary to give the court jurisdiction of such child. When the person named in the summons, other than the child, is present in court, or is a non-resident of the State, or cannot be found after reasonably diligent search or when said child is in court by reason of the violation of any penal law of the State or any ordinance of said county, town or city, service of a summons upon such other person named in the summons shall not be necessary to give the court jurisdiction; but if such other person be not present in court; and if for any of the reasons set out above has not been served with a summons, the court must appoint probation officer, or a discreet and competent attorney at law, to act as guardian ad litem to represent the interest of such child and such guardian ad litem shall be present at the hearing of said case to represent said child. But in no case shall the trial proceed until the parents or parent of such child, if residing within the State, have been duly notified of the pendency of such proceedings, unless the judge shall certify on his record that diligent efforts have been made to locate and notify such parents



without avail. In cases where a summons is necessary it shall be sufficient to confer jurisdiction if service is effected at any time before the time fixed in the summons for the return thereof, but the court shall not proceed with the hearing earlier than the third day after the date of service, if objection be made by the parties served, or by a guardian ad litem appointed to represent the interest of such child. Proof of service may be made by the affidavit of the person who delivers a copy of said summons to the person summoned, if the summons be not served by an officer, but if served by a State, county or municipal officer his return shall be sufficient without oath. The summons shall be considered a mandate of the court, and wilful failure to obey its requirements shall subject any person guilty thereof to liability for punishment as for a contempt.

Section 1910. Return of summons; trial of case; disposition of child.—At the time set for the hearing, as hereinbefore provided, the court shall proceed to hear and determine the case. The judge of said court, subject to the rights of counsel, may conduct the examination of witnesses, and may take testimony and inquire into the habits, surroundings, conditions, tendencies and guardianship of said child so as to enable the court to determine if such child is delinquent, dependent or neglected, and if so, what order or judgment will best conserve the welfare of said child and carry out the objects of this chapter. If said child is found by the court to be dependent, delinquent or neglected, the court shall so adjudicate, and thereafter, unless said finding and judgment is annulled or repealed as herein provided for, said child shall during his or her minority, or so much thereof as the court shall consider to be for the best interest of said child, for the purposes of this chapter, be considered a ward of the State and be subject to the guardianship of the court as herein provided for.

After such hearing and adjudication the court may place the child under the care and control of a probation officer, and may allow such child to remain in its home, subject to the visitation of a probation officer, to be returned to the court by the parent or probation officer when ordered to do so by the judge for further proceedings whenever such action may appear to said court or judge necessary; or the court may order the child to be placed in a suitable family home, willing to receive it, subject to the friendly visitation and supervision of a probation officer or of an agent of the State board of public welfare, and subject to the further order of the court; or it may authorize the child to be boarded out in some suitable family home, school or institution (approved by the State board of public welfare); or the court may commit such child to the State board of public welfare or to any society, association or institution incorporated under the laws of Virginia approved by said State board of public welfare, or the court may make such other order or judgment as the court may deem for the best interest of the child and for the proper protection of the public interests; provided, that all delinquent children intended to be placed in a State institution shall be committed to the State board of public welfare—it being the purpose of

this chapter to make said board the sole agency for the guardianship of delinquent children committed to the State. All commitments under this chapter shall be for an indeterminate period having regard to the welfare of the child and interests of the parents but no child committed hereunder shall be held or detained after such child shall have attained the age of twenty-one years; and the said State board of public welfare and aid societies, associations or institutions may place under contract children committed under this chapter in suitable family homes, institutions or industrial schools for the care of children without further process of law for a term of years not exceeding the period of minority of such child, and whenever such child shall be so placed by such society, association or institution a report of such action shall be made to the State board of public welfare in such form as may be required by it. Any order made by the court or any commitment to any such private society, association or institution shall be subject to modification or revocation from time to time, as the court may deem to be for the welfare of such child; the duty being constant upon the court to give all children subject to its jurisdiction such oversight and control as may conduce to the welfare of the child and the best interests of the State. In committing any child to any custodial agency, or placing it in any guardianship other than that of its natural guardian, the court shall, as far as practicable, select some individual holding to the same religious belief as the parent of such child; or some institution or association governed by persons of the same religious faith as that of the parents of the child, unless the commitment be to a State institution or agency.

Unless the offense is aggravated or the child is of an extremely vicious or unruly disposition, no court, judge or justice shall sentence or commit a child under the age of eighteen years to a jail, workhouse, or police station, or send such a child on to the grand jury, nor sentence such child to the penitentiary or to the State convict road force.

Section 1911. Arresting children; transfer of cases from justices and courts not having jurisdiction of their trial.—Nothing in this chapter shall be construed as forbidding the arrest of any child as is now or may hereafter be provided by law.

But no warrant of arrest shall be issued for any child under twelve years of age, except with the written permission of a judge of a court of record, or the justice of the juvenile and domestic relations court; nor shall any such child be transported, conveyed or ridden in a police patrol wagon, or other vehicle, usually used for the transportation or conveyance of adult prisoners. And no warrant of arrest shall be issued for any child between the ages of twelve and eighteen years, except when the use of such process is imperative. Whenever any child under eighteen years of age, and who otherwise comes under the provisions of this chapter, is brought before any other justice or court in such county or city, such justice or court shall forthwith, by proper order, transfer the case to the said juvenile and domestic relations court or said circuit, corporation or hustings court; and shall order and direct that the said child be taken to the place provided in such county or city for detention of children coming within the provisions of this chapter. Said justice or court may, however, admit such child so transferred to bail, or release such child into the custody of some suitable person, to appear before said juvenile and domestic relations court or circuit, corporation or hustings court at a time designated in said undertaking of bail or in said order of transfer. All warrants and other processes or papers in the hands of such justice or court relating to the case so transferred shall be by him or by the clerk of said court forthwith transmitted to the clerk of said juvenile and domestic relations or circuit, corporation or hustings court and shall become a part of its records. Said juvenile and domestic relations, or circuit, corporation or hustings court shall thereupon have jurisdiction of said cause, and shall proceed to hear and determine the same in like manner as if the proceedings had been instituted in said court by

petition as herein provided for.

Section 1912. Regulations as to the custody of dependent, delinquent or neglected children.—Whenever any child is found to be dependent, neglected or delinquent within the meaning of this chapter, and the court, in its discretion, shall take the cusody of said child from its parents, or either of them, or from the custody of any person or persons liable for its support and shall place it in the custody of the other parent, or in the custody of any other person, or in the place of detention or parental school provided by such county or city, or in any hospital or other institution or with any custodial agency, public or private, the court may, after service of an order to show cause or the issuance and execution of a warrant upon the person from whose custody the child has been taken, proceed to inquire whether or not said child should be supported by said person, and may order and adjudge that the expenses of caring for said child, or part thereof, shall be paid by such person or persons, and may direct when, how and where money for said expenses shall be paid; and in the event that said person so adjudged liable to pay such expenses or support, shall wilfully, and without just excuse, fail or refuse to pay same in accordance with the court's said order, said person so failing to pay same shall be guilty of a misdemeanor and shall be dealt with in accordance with the provisions of the statute relating to desertion and non-support. An appeal may be taken from said order adjudging said person liable to pay said expenses in like manner as in misdemeanor cases. If the child have an estate in the hands of a guardian or trustee, the guardian or trustee may be required to pay for its education and maintenance in connection therewith so long as there may be funds for that purpose.

Section 1913. Physical and mental examinations.—The court, in its discretion, either before or after a hearing, may cause any child within its jurisdiction to be given a physical and mental examina-

tion by a competent physician or physicians or an approved mental examiner, to be designated by the court having jurisdiction of such child, and the physician or mental examiner so designated shall certify to the court the condition in which he finds the child. If it shall appear to the court that any child within its jurisdiction is mentally defective, he may cause the child to be examined by two licensed physicians or approved mental examiners, and on the written statement of such physicians or examiners that it is their opinion that the child is mentally defective, the court may commit such child to an institution auhorized by law to receive and care for mentally defective children. The parent or parents, guardian and custodian of such child shall be given due notice of any proceedings hereunder as provided for in section nineteen hundred and eight. When the health or physical condition of the child requires it, the court may cause the child to be treated by a competent physician or placed in a public hospital or other institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes.

Section 1914. Detention homes or other places of detention.— Provision shall be made for the temporary detention of children coming within the provisions of this chapter in a detention home or parental school to be conducted as an agency of the city or county for that purpose, or the judge of such court may, with the approval of the governing body of the city or board of supervisors of the county, arrange for the boarding of such children temporarily in a private home or homes in the custody of some fit person or persons subject to the provisions of the court, or the judge may arrange with any incorporated institution, society, or association, approved by the State board of public welfare, or with any other court, which maintains a suitable place of detention for children for the use thereof as a temporary detention home, but the court or justice shall not send any child to jail or station house while awaiting trial or disposition unless such child is extremely vicious or unruly or is charged with delinquency of an aggravated nature.

In the event that a detention home or parental school is established by the court it shall be subject to visitation and inspection by the Stae board of public welfare, and shall be furnished and carried on so far as possible as a family home under the management of a superintendent or matron. The court shall appoint such superintendent or matron from a list of eligibles submitted by the State board of public welfare, and it may appoint such other employees for such home as may be necessary. The necessary expenses incurred in maintaining such detention home shall be a charge upon the county or city, as the case may be, and the county board of supervisors or the city council or other governing body shall make provision therefor.

In case the court shall arrange for the boarding of children temporarily detained in private homes or with any incorporated instistution, society, or association, or in detention homes conducted by another city or county, a reasonable sum for the board of such children while so detained shall be, upon the order of the court, paid by the county or city, as the case may be. No child shall be detained or confined in a city or county almshouse or poor house for a period longer than thirty days without the consent of the State board of public welfare.

The same fees or allowance shall be paid by the State for children boarded out or held in a detention home as are now paid for prisoners

confined in jail.

1915. Probation officers; appointment, duties and Section powers.—The court may appoint one or more suitable persons as probation officers, in accordance with the terms of chapter three hundred and forty-nine of the acts of nineteen hundred and eighteen, or any amendment thereof, whose duty it shall be to make such investigation of cases involving children under the age of eighteen years as the court may direct, either before or after a hearing, to be present in court in order to represent the interests of the child when the case is heard, to furnish the court such information and assistance as it may require, and to take charge of any such child before and after the hearing as may be directed by the court, and to perform such other duties as the court may confer upon him. Every probation officer appointed under said chapter is hereby invested with all the powers and authority of a police officer and of a constable. compensation of such probation officer shall be fixed by the board of supervisors of the county or the council or other governing body of the city in which they serve, and shall be paid out of the county or city treasury.

Section 1916. Police officers and constables as probation officers. -Any court mentioned in section nineteen hundred and five may, upon the recommendation of the State board of public welfare, appoint and deputize any member or members of the police force of a city or of an incorporated town, not exceeding three in number, and any constable or other suitable person of the magisterial districts of a county, to act and serve as probation officer or officers so long as the judge of such court may deem desirable. In cities of twentyfive thousand inhabitants or over a policeman so designated shall, while acting as such probation officer, receive the same salary as theretofore and be relieved of the ordinary detail duties of a policeman, but shall remain subject to suspension or removal as before his designation. In counties, towns, and in cities of less than twenty-five thousand inhabitants, police officers or constables designated for probation duty under the provisions of this chapter shall not be relieved of the ordinary detail duties of his office except upon express order of the court making such designation. Where no appointment of a probation officer is made the chief of police of the city or town and the sheriff of the county is authorized and required to act as such probation officer. Every probation officer designated



as aforesaid is invested with all the powers and anthority of a constable.

All persons so selected shall faithfully perform the work and duties which may be prescribed for them by the court or by the State board of public welfare. Such officer or officers so appointed shall receive no extra compensation over his or their regular pay, except that the local authorities of a city, town or county may, if they see fit, pay to such officer so designated such compensation as they may deem to be reasonable.

Section 1917. Courts advisory board.—The judge of any court which has exclusive original jurisdiction of the trial of cases arising under this chapter may appoint a board of not less than three nor more than fifteen citizens of the county or city, known for their interest in the welfare of children, who shall serve without compensation, to be called the advisory board of said court; provided, that in counties or cities wherein county or city boards of public welfare may be appointed, such boards shall constitute the advisory board of the court for such county or city in relation to matters arising under this chapter. Said advisory board at its first meeting shall organize by electing officers, and adopting such by-laws, rules and regulations for its government as it may deem proper. The members of said board shall hold office during the pleasure of the court or the judge thereof. The duties of the board shall be as follows:

(1) To advise and co-operate with the court upon all matters affecting the workings of this chapter and other laws relating to children, their care and protection, and to domestic relations;

(2) To visit as often as they conveniently can institutions and associations receiving children under this chapter and to report to the court from time to time the conditions and surroundings of the children received by or in charge of any such persons, institutions or associations; (3) To make themselves familiar with the work of the court under this chapter and make from time to time a report to the public of the work of said court.

Section 1918. Fine may be imposed upon certain delinquent children as disciplinary measure; when children may be proceeded against as adults.—A fine not exceeding fifty dollars may be imposed upon delinquent children, who are of working age, as a disciplinary measure. All sums so ordered to be paid may be paid by the children in monthly or weekly installments. Such children may also be required to make restitution for damages resulting from their wrongful conduct; or in lieu of a fine, the court may, in case any such child is placed on probation, require him to pay a fee for probation service not exceeding fifty dollars, such fees to be accounted for by the judge or clerk of said court and paid monthly into the treasury of the city or county paying the salary of the probation officer.

If at any time, after thorough investigation or trial of its various disciplinary measures, the court of the judge thereof is convinced that any delinquent child fourteen years of age or over brought

before it under the terms of this chapter, cannot be made to lead a correct life, and cannot be properly diciplined under the provisions of this chapter, the said child shall then be proceeded against as if he were over the age of eighteen years, and may be committed to the county jail, or to any city jail or police station pending further proceedings, or admitted to bail.

Section 1919. Interference with probation officer, etc.; removing or concealing child; punishment.—It shall be unlawful for any person to interfere with or to obstruct any probation officer, policeman, constable, or other officer in the discharge of his duty under this chapter, or for any person to remove or conceal or cause any child to be removed or concealed in order that it may not be brought before court, or for any person to interfere with or remove or attempt to remove any child who is in the custody of the court or of an officer or who has been lawfully committed under this chapter. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not exceeding three months, or both.

Section 1920. Appeals.—An appeal may be taken by any party aggrieved, from any final order or judgment of the court in the case of any child coming within the provisions of this act, to the circuit court of the county or to any city court having equity jurisdiction, within twenty days after the entering of said order or judgment in said case. Proceedings in such cases in such courts shall conform to the equity practice where evidence is taken ore tenus; provided, however, that an issue out of chancery may be had as a matter of right upon the request of either party.

Section 1921. Vacation powers.—The judge of any court which has exclusive original jurisdiction of the trial of cases of delinquent, dependent or neglected children is hereby authorized to perform in vacation any act or exercise any power under the provisions of the preceding sections of this chapter which might be done or performed

by the court in term time.

Section 1922. Liberal construction of chapter; constitutionality.—This chapter shall be liberally construed in order to accomplish the beneficial purposes herein sought. Should any part of this chapter be declared to be unconstitutional by the supreme court of appeals of this State or by the United States supreme court, such decision shall not affect the remainder hereof.

CHAP. 482.—An ACT to amend and re-enact sections 1945 to 1953, inclusive, of the Code of Virginia, and to add six new sections to the said Code, to be numbered 1951a, 1951b, 1951c, 1951d, 1951e, and 1951f.

[S B 128]

## Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That sections nineteen hundred and forty-five to nineteen hundred and fifty-

three, inclusive, of the Code of Virginia, be amended and re-enacted, and that six new sections numbered nineteen hundred and fifty-one-a, nineteen hundred and fifty-one-b, nineteen hundred and fifty-one-c, nineteen hundred and fifty-one-d, nineteen hundred and fifty-one-e, and nineteen hundred and fifty-one-f, be added to the said Code, which sections of the Code and the said new sections shall read as follows:

Sec. 1945. Establishment of juvenile and domestic relations courts.—The council or other governing body of any city of this Commonwealth containing twenty-five thousand inhabitants or more shall elect a special justice of the peace, who shall be a person licensed to practice law, to be known as the judge of the juvenile and domestic relations court of such city, and who shall hold office for a term of six years and until his successor has been elected and has qualified, unless sooner removed, as hereinafter provided. Provided, however, that no election hereunder shall take place until the expiration of the respective terms for which the said special justices are now elected. But this section is subject to this proviso; that in cities of not less than twenty-five thousand nor more than one hundred thousand inhabitants said council or other governing body may designate the civil or police justice to act as the judge of such juvenile and domestic relations court, in which event he shall hold offce for the term for which he is elected as such civil or police justice, or until a special justice may be elected as above provided.

Sec. 1946. Oath of special justice.—Every such special justice, before entering upon the performance of his duties, shall take before the corporation or hustings court of the city for which he is appointed, or before the judge thereof in vacation, the official oath required by law.

Sec. 1947. Salary of special justice.—Every such special justice shall receive out of the treasury of the city for which he is elected such salary as the council or other governing body of such city shall prescribe. The salary so fixed shall be in lieu of all fees which may accrue to him by virtue of his office; provided, that all such fees, when collected, shall be accounted for and paid by him into the treasury of said city on or before the tenth of each month.

Sec. 1948. Courts of special justice; appointment of substitute justices; when substitute justice to act.—Such special justice shall hold court as may be provided by ordinance of the city for which he is appointed or at such times and places within his territorial jurisdiction as he may designate; but he shall be allowed a vacation period of at least thirty days during each year. The judge of the corporation or hustings court of each of said cities shall, by proper order of record, appoint upon the recommendation of such special justice, as a substitute justice of said juvenile and domestic relations court, a discreet and competent person, and may at any time revoke such appointment, and make a new appointment in like manner in the event of such revocation, or of the resignation, death, absence or disability of such substitute justice. In the event of the disability

of said special justice to perform the duties of his office by reason of sickness, absence or otherwise, or of the impropriety of his acting, such substitute justice shall perform the duties and possess the powers of said special justice during such period, and in the event of the resignation, death, removal, or permanent disability of the special justice, such substitute justice shall act until a successor has been elected and has qualified. Said substitute justice shall receive for his services such compensation as the respective city councils or other governing bodies shall determine.

Sec. 1949. How special justice removed.—The special justice elected under this chapter may be removed in accordance with the provisions of section twenty-seven hundred and five of the Code of Virginia.

Sec. 1950. Special justice, conservators of peace; their jurisdiction.—The special justices elected under the provisions of this chapter shall be conservators of the peace within the corporate limits of the cities for which they are respectively elected and within one mile beyond the corporate limits of such cities; and except as hereinafter limited shall have, within the corporate limits, exclusive original jurisdiction and within one mile beyond said corporate limits, concurrent jurisdiction with the justices and the circuit courts of the counties, over all cases, matters and proceedings involving:

- (1) The disposition, custody or control of delinquent, dependent and neglected children;
- (2) The enforcement of any law, regulation or ordinance for the education, protection or care of children.
- (3) The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children, or with contributing to their delinquency or dependency or neglect in any manner, or with any other offense against children under the age of eighteen years except murder and manslaughter; provided, however, that in prosecutions for felonies other than murder and manslaughter the jurisdiction of said special justice shall be limited to that of an examining magistrate;
- (4) All offenses, except murder and manslaughter, committed by one member of a family against another member of said family; and the trial of all criminal warrants in which one member of a family is complainant against another member of said family; provided, however, that in prosecution for felonies other than murder and manslaughter the jurisdiction of said special justice shall be limited to that of an examining magistrate. The word "family" as used herein shall be construed to include husband and wife, parent and child, brother and sister, grandparent and grandchild;
- (5) The prosecution and punishment of persons, male or female, who knowingly contributes in any way to the disruption of marital relations or of a home.



Said special justice shall, in all such cases, possess the jurisdiction and exercise all the powers conferred upon justices of the peace and police justices by the laws of this State, and he shall have such other powers and jurisdiction as may be lawfully conferred upon him. He shall have the same powers with respect to the amendment or issuance of warrants as are conferred on courts and judges by the provisions of section forty-nine hundred and eighty-nine of the Code of Virginia.

This act shall be construed liberally and as remedial in character; and the powers hereby conferred are intended to be general to effect the beneficial purposes herein set forth. It is the intention of this act that in all proceedings concerning the disposition, custody or control of children coming within the provisions hereof, the court shall proceed upon the theory that the welfare of the child is the paramount concern of the State, and to the end that this humane purpose may be attained, said justices shall possess all necessary and incidental powers and authority, whether legal or equitable in their nature.

From the hearing or trial of all cases, matters or proceedings under the provisions of this chapter there shall be excluded all persons except officers of the court, attorneys and witnesses in the case, and the accused or his relatives or guardian or custodian. Any hearing or trial may be had in chambers.

Sec 1950-a. Contempt of court.—The said special justice shall have the same powers in the matters of contempt as are conferred on courts and judges by the general law, but in no case shall the fine exceed fifty dollars and imprisonment exceed ten days for the same contempt. From any such fine or sentence an appeal shall be allowed as appeals are allowed from such justices in other cases affecting adults, and the proceedings in such appeals shall conform in all other respects to the provisions of section forty-five hundred and twenty-three of the Code of Virginia.

Sec. 1951. Cities to provide court rooms, et cetera; records under control of justice.—Each of such cities shall provide a suitable court room and offices for said court, and shall furnish all necessary furniture, filing cabinets, dockets, books, stationery, et cetera. Said special justice, after consultation with the State commissioner of public welfare, shall have the power to determine the form and character of his records and to determine and publish the rules to regulate the proceedings in all cases coming within the provisions of this chapter where not otherwise provided by law, and for the conduct of all probation and other officers of the court and such rules shall be enforced and construed leberally for the remedial purposes embraced therein. The records of the court shall be under the control of said special justice and shall not be removed or examined by any person without his consent, except by persons authorized by law to make such examinations.



The special justice, after consultation with the commissioner of public welfare, may also devise, promulgate and cause to be printed for the use of the public and for the use of the court, forms which may be found necessary and convenient for use in cases coming under this chapter.

Sec. 1951-a. Certain officers to aid juvenile and domestic relations court; when service of process.—The court may, in its discretion, call upon the Commonwealth's attorney of his city to assist the court in any proceeding under this chapter, and it shall be the duty of such Commonwealth's attorney to render such assistance when so requested, and said Commonwealth's attorney shall represent the State in all cases appealed from said juvenile and domestic relations court to other courts; and the sheriffs of the counties of this State and police officers of the cities shall serve all papers directed by the court or justice to be served by them, but any paper, summons or process issued by said court may be served by any person designated by the court or justice for that purpose.

Sec. 1951-b. Traveling expenses of officers and witnesses.—The traveling expenses incurred by a probation officer or other officer of said court, when traveling under the order of said court or justice, shall be paid by the auditor of public accounts out of the criminal accounts fund provided upon presentation of an account approved by said justice. Said justice may, in his discretion, authorize the payment of necessary traveling expenses incurred by any witness or person summoned or otherwise required to appear at the hearing of

any case coming within the jurisdiction of said court.

Sec. 1951-c. Co-operation of certain agencies and officials may be sought; their duties.—The court may seek the co-operation of all societies, organizations or institutions, public or private, having for their object the protection, aid or care of children, to the end that the court may be assisted in every reasonable way to give all children coming under its jurisdiction the care, protection and assistance which will best conserve the welfare of such children. It is hereby made the duty of every official of such city or any department thereof to render such assistance and co-operation to said court as will best further the objects of this chapter. All institutions, associations or other custodial agencies in which any child coming within the provisions of this chapter may be are hereby required to give such information to the court, or to any of its officers as said court or officers may require for the purpose of this chapter.

Sec. 1951-d. Provisions as to bonds and other undertakings.—All bonds and other undertakings taken and approved by the justice of the court, either for the appearance of any person or for the performance of any other duty or undertaking set forth in said bond, shall be valid and enforceable even if the principal in said bond shall be a minor. In the event of a failure upon the part of the principal or sureties in any bond taken in said court to faithfully carry out and discharge the undertakings of said bond then, in that event, the



justice of such court shall have the right to declare said bond forfeited and to certify the same to the clerk of the corporation or hustings court of his city. And in the event of such certification by the justice of the court to the clerk of said corporation or hustings court it shall be the duty of the clerk of said latter court to bring the same at once to the attention of the judge of said court, who shall

proceed thereon in the manner prescribed by law.

Sec. 1951-e. Appeals.—From any final order or judgment of said court affecting the rights or interests of any child coming within its jurisdiction an appeal may be taken in the manner prescribed by section 1920 of the Code of Virginia as amended. From any final order or judgment of conviction of said juvenile and domestic relations court affecting the rights or interests of any person over the age of eighteen years coming within its jurisdiction, an appeal may be taken by the person aggrieved to the corporation or hustings court of such city within ten days. Provided, however, that in either case said appeal may be withdrawn by the person taking same at any time before the appeal papers shall have been actually filed in the higher court; and provided further that in any case said justice may grant a re-hearing within thirty days upon good cause shown, after due notice to interested parties.

Upon the rendition of final judgment upon an appeal from said juvenile and domestic relations court, said appelate court shall cause to be filed with said juvenile and domestic relations court, a copy of its judgment, which shall thereupon become the judgment of said juvenile and domestic relations court. In the event such appelate court does not dismiss said proceedings or discharge said child or adult person, said appelate court may in its discretion remand said child or adult person to the jurisdiction of said juvenile and domestic relations court for its supervision and care, under the terms of its said order or judgment, and thereafter said child or adult person shall be and remain under the jurisdiction of said juvenile and domestic relations court in the same manner as if said court had

rendered said judgment in the first instance.

Sec. 1951-f. Affidavits and oaths; issuance of appropriate orders on writs.—The clerk of said juvenile and domestic relations court shall have authority to take affidavits and administer oaths or affirmations in proceedings coming within the jurisdiction of said court and the justice shall have power to issue all appropriate orders or

writs in aid of the jurisdiction vested in said court.

Sec. 1952. Clerks and bailiffs of courts; their powers and duties.—In cities of one hundred thousand inhabitants or more said special justice shall have the power to appoint a clerk and a bailiff and such other employees as may be necessary for the proper conduct of his said court. The compensation that such clerk, bailiff and other employees of said court shall receive for their services shall be fixed by the council or other governing body of said city and shall be paid out of the city treasury.



The said clerk shall keep the court docket and shall perform such other duties as the justice of said court may prescribe or the council or other governing body of said city may by ordinance direct.

The said bailiff shall have charge of the court room and the offices connected therewith, and he shall be held responsible for the safe-keeping and proper protection of the furniture and other property contained therein. He shall have charge of the cleaning, warming and lighting of said court room and offices. He shall attend all court sessions held by said justices and shall perform such other services as may be required of him by the said justice. The said bailiff

shall have the power and authority of a police officer.

Sec. 1953. When terms of special justices begin—All special justices elected under this chapter shall enter upon the discharge of their duties the first day of January next succeeding their election, or on the first of such month as the respective city councils or other governing bodies may designate, provided, however, that every special justice now holding office under the provisions of chapter eighty-one of the Code of Virginia of nineteen hundred and nineteen shall continue in office under the provisions of this amended chapter and exercise the powers and jurisdiction herein prescribed, until his term of office shall expire.

CHAP. 483.—An ACT to provide for the appointment of special justices of the peace in cities of less than 25,000 inhabitants and in counties, to be known as judges of juvenile and domestic relations courts; to prescribe their jurisdiction, powers, duties, and compensation; and to provide for the maintenance of juvenile and domestic relations courts in such cities and in counties.

[S B 165]

Approved March 27, 1922.

Be it enacted by the general assembly of Virginia, as follows: Section 1. The circuit court of every city of less than twentyfive thousand inhabitants or the corporation court thereof if there be no circuit court and the circuit court of every county of this State shall appoint a special justice of the peace, preferably a person trained in the law, to be known as the judge of the juvenile and domestic relations court for such city or county, who shall hold office for a term of six years and until his successor has been appointed and has qualified, unless sooner removed as provided by section twenty-seven hundred and five of the Code of Virginia of nineteen hundred and nineteen; provided, that said circuit court may designate or appoint the same person to act as such special justice for a city and one or more counties, or for two or more counties, within his judicial circuit. Cities having no corporation court or separate circuit court shall, for the purposes of this act, be deemed in all respects to be parts of the counties in which they are situated. Police and civil justices shall be eligible to appointment under the provisions of this act.

Section 2. Every special justice appointed under this act, before entering upon the performance of his duties, shall take the oath of office prescribed by law before the court making the appointment.

Section 3. Every special justice appointed under this act shall receive the fees prescribed by law for justices of the peace, or in lieu thereof he shall receive out of the treasury of the city or county for which he is appointed such salary as the council or other governing body of the city or the board of supervisors of such county may prescribe, in which latter event all such fees, when collected, shall be accounted for and paid by him into the treasury of said city or county, as the case may be, on or before the tenth day of each month.

Section 4. Such special justice shall hold court at such times and in such places within his territorial jurisdiction as he shall from time to time designate; but he may be allowed such vacation period as the court appointing him may approve. Such appointing court, or the judge thereof in vacation may, by proper order of record, appoint as a substitute justice of said juvenile and domestic relations court, a discreet and competent person, and may at any time revoke such appointment, and make a new appointment in like manner in the event of such revocation, or of the resignation, death, absence or disability of such substitute justice. In the event of the inability of said special justice to perform the duties of his office by reason of sickness, absence, or otherwise, or of the impropriety of his acting, such substitute justice shall perform the duties and possess the powers of said special justice during such period, and in the event of the resignation, death, removal, or permanent disability of the special justice, such substitute justice shall act until a successor has been appointed and has qualified.

Section 5. The special justices appointed under the provisions of this act shall be conservators of the peace within the corporate limits of the cities or boundaries of the counties for which they are respectively appointed and in the case of cities within one mile beyond the corporate limits of such cities; and, except as hereinafter limited, the special justices of said cities shall have, within the corporate limits of their said cities, exclusive original jurisdiction, and, within the territory within one mile beyond said corporate limits, concurrent jurisdiction with the special justices of the adjoining county or counties; and the special justices of said counties shall have within the boundaries of their respective counties exclusive original jurisdiction, except as to that territory in which the special justices of cities have concurrent jurisdiction, over all cases, matters and proceedings involving:

(1) The disposition, custody or control of delinquent, dependent and neglected children;

(2) The enforcement of any law, regulation or ordinance for the education, protection or care of children;

(3) The prosecution and punishment of persons charged with illtreatment, abuse, abandonment or neglect of children, or with contributing to their delinquency or dependency, or neglect in any manner, or with any other offense against children under the age of eighteen years except murder and manslaughter; provided, however, that in

prosecutions for felonies other than murder and manslaughter and rape, the jurisdiction of said special justice shall be limited to that

of an examining magistrate;

(4) All offenses, except murder and manslaughter and rape, committed by one member of a family against another member of said family, and the trial of all criminal warrants in which one member of a family is complainant against another member of said family; provided, however, that in prosecutions for felonies other than murder and manslaughter and rape the jurisdiction of said special justice shall be limited to that of an axamining magistrate. The word "family" as used herein shall be construed to include husband and wife, parent and child, brother and sister, grandparent and grand-child:

(5) The prosecution and punishment of persons, male or female, who knowingly contribute in any way to the disruption of marital

relations or of a home.

Said special justice shall, in all cases, possess the jurisdiction and exercise all the powers conferred upon justices of the peace and police justices by the laws of this State, and he shall have such other powers and jurisdictions as may be lawfully conferred upon him. He shall have the same powers with respect to the amendment or issuance of warrants as are conferred on courts and judges by the provisions of section forty-nine hundred and eighty-nine of the Code of Virginia.

This act shall be construed liberally and as remedial in character; and the powers hereby conferred are intended to be general to effect the beneficial purposes herein set forth. It is the intention of this act that in all proceedings concerning the disposition, custody or control of children coming within the provisions hereof, the court shall proceed upon the theory that the welfare of the child is the paramount concern of the State and to the end that this humane purpose may be attained, said justices shall possess all necessary and incidental powers and authority, whether legal or equitable in their nature.

From the hearing or trial of all cases, matters or proceedings under the provisions of this chapter, there shall be excluded all persons, except officers of the court, attorneys and witnesses in the case, and the accused, his relatives or his guardian or custodian.

Any hearing or trial may be had in chambers.

Section 6. Contempt of court.—The said special justice shall have the same powers in matters of contempt as are conferred on courts and judges by the general law, but in no case shall the fine exceed fifty dollars and imprisonment exceed ten days for the same contempt. From any such fine or sentence an appeal shall be allowed as appeals are allowed from such justices in other cases affecting adults, and the proceedings in such appeals shall conform in all other respects to the provisions of section forty-five hundred and twenty-three of the Code of Virginia.

Section 7. The council or other governing body of each city and the board of supervisors of each county may provide suitable

office space for said special justice, and may furnish necessary furnitum filing a binate doclar backs attained to the state of the sta

niture, filing cabinets, docket, books, stationery, et cetera.

Said special justices shall use such forms and books of record as may be prescribed or provided by the State board of public welfare. The records of such court shall be under the control of said special justice, and shall not be removed or examined by any person without his consent, except by persons authorized by law to make such examinations.

Section 8. The special justice may, in his discretion, call upon the Commonwealth's attorney or the clerk of the circuit court of his city or county to assist him in any proceeding under this act, and it shall be the duty of such Commonwealth's attorney and clerk to render such assistance when so requested, and said Commonwealth's attorney shall represent the State in all cases appealed from said juvenile and domestic relations court to other courts; and the sheriffs and the constables of the counties of this State and the police officers and sergeants of the cities shall serve all papers directed by said special justice to be served by them; but any paper, summons or process issued by said special justice may be served by any person designated by said special justice for that purpose.

Section 9. The traveling expenses of such special justice incurred in the discharge of his duties and the traveling expenses incurred by a probation officer of said city or county, when traveling under the order of said special justice, shall, after being approved by the judge of the circuit court of such city or county, be paid by State auditor of public accounts out of the criminal accounts fund provided for

such purpose.

Section 10. Appeals.—From any final order or judgment of said court, affecting the rights or interests of any child, coming within its jurisdiction, an appeal may be taken in the manner prescribed by section nineteen hundred and twenty of the Code of Virginia, as amended.

From any final order or judgment of conviction of said juvenile and domestic relations court, affecting the rights or interests of any person over the age of eighteen years, coming within its jurisdiction, an appeal may be taken by the person aggrieved to the corporation or hustings court of such city or circuit court of the county within ten days. Provided, however, that in any case said appeal may be withdrawn by the person taking same at any time before the appeal papers shall have been actually filed in the higher court; and provided further that in any case said justice may grant a rehearing within thirty days upon good cause shown, after due notice to interested parties.

Upon the rendition of final judgment upon an appeal from said juvenile and domestic relations court, said appelate court shall cause to be filed with said juvenile and domestic relations court, a copy of its judgment, which shall thereupon become the judgment of said juvenile and domestic relations court. In the event such appelate

court does not dismiss said proceedings or discharge said child or adult person, said appellate court may, in its discretion, remand said child or adult person to the jurisdiction of said juvenile and domestic relations court for its supervision and care, under the terms of its said order or judgment, and thereafter said child or adult person shall be and remain under the jurisdiction of said juvenile and domestic relations court in the same manner as if said court had rendered said judgment in the first instance.

Section 11. Every special justice appointed under the provisions of this act shall enter upon the discharge of his duties the first day of January next succeeding his appointment, or on the date specified

by the court making such appointment.

Section 12. In the event that the council or other governing body of any city of twenty-five thousand inhabitants or more and the board of supervisors of any adjoining county shall, by ordinance, resolution, or by-law, signify their desire to unite in the establishment of a juvenile and domestic relations court with jurisdiction over said city and said county or any district or districts thereof, the circuit court of such county shall thereupon appoint as special justice of said county or specified district or districts thereof, a person nominated by the council or other governing body of said city, who shall thereupon exercise jurisdiction under the provisions of this act within the boundaries of said city and said county or the specified district or districts thereof.

Section 13. In the event that any city and county or counties, or part thereof, or any two or more counties shall unite in the establishment of a juvenile and domestic relations court, as provided by law, the expense of operation and maintenance of such court and of caring for the wards of such court shall be jointly borne in proportion to their respective populations or as may be agreed upon by the constituted authorities of the respective cities and counties.

CHAP. 484.—An ACT to amend and re-enact section 5333 of the Code of Virginia, as amended by an act approved March 19, 1920. [S B 79]

#### Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-three hundred and thirty-three of the Code of Virginia, as amended by an act approved March nineteenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Section 5333. Adoption of minor children by adult persons.—A resident of this State who is not married, or a husband and wife (residents of this State), jointly, may petition the circuit or corporation or hustings court of a city or the circuit court of a county, in which city or county they reside, for leave to adopt a minor child not theirs by birth, and for a change of the name of such child; but

a written consent duly acknowledged must be given to such adoption by the child if of the age of fourteen years or over and by each of his or her known living parents, who is not hopelessly insane or otherwise incapacitated from giving such consent, or who is not habitually addicted to the use of drugs or of intoxicating liquors, or has not abandoned such child, or has not lost custody of the child through the order of a court; or if the parents are disqualified, as aforesaid, then by the legal guardian, or if there be no such guardian, then by a discreet and suitable person appointed by the court to act in the proceedings as the next friend of such child; but if such parents or guardian join in said petition it shall be deemed such consent in writing.

Upon the filing of said petition the court shall direct a probation officer or other officer of the court, or an agent of the State or county or city board of public welfare, or some other discreet and competent person, to make a careful and thorough investigation of the matter and report his findings in writing to said court. The person so directed to make such investigation shall make inquiry, among other things, as to:

(1) Why the natural parents, if living, desire to be relieved

of the care, support and guardianship of such child;
(2) Whether the natural parents have abandoned such child or

are morally unfit to have its custody;

(3) Whether the proposed feeter parents is or are

(3) Whether the proposed foster parent or parents is or are financially able and morally fit to have the care, supervision and

training of such child;

(4) The physical and mental condition of such child. For this purpose said investigator may secure the opinion of a reputable physician or competent mental examiner, if the court is satisfied that the natural parents have just cause for desiring to be relieved of the care, support and guardianship of said child, or have abandoned the child, or are morally unfit to retain its custody; that the petitioning foster parent or parents is or are financially able and morally fit to have the care, supervision and training of such child; that said child is suitable for adoption in a private family home, and that such change of name and guardianship is for the best interests of said child, it shall make an interlocutory order setting forth the facts and declaring that from the date of the final order of adoption in such case, if such final order be afterwards entered, as hereinafter provided, such child, to all legal intents and purposes, will be the child of the petitioner or petitioners and that its name may be thereby changed. Such final order of adoption shall not be granted until the child shall have lived for one year in the proposed home and shall have been visited during the said period at least once in every three months by a probation officer, an agent of the State or county or city board of public welfare or other person designated by the court for the purpose. At any time before the entry of such final order of adoption, the court may revoke its interlocutory order for good cause, either of its own motion, or on the motion of the natural parent or parents of such



child, the original petitioner or petitioners, or the child itself by its next friend; but no such revocation shall be entered unless ten days notice in writing shall have been given to the original petitioner or petitioners, unless he or they make the motion or have removed from the State nor unless the original petitioner or petitioners if residents of the State shall have been given an opportunity to be heard.

Upon the entry of such final order of adoption the judge or the clerk of the court shall notify the State board of public welfare and the county or city board of public welfare, if there be one, of the action taken, giving the names and addresses of the natural parents, if known, or of the child's next of kin, the age and the name of such child both before and after adoption, and the names and addresses of the foster parents. Said boards of public welfare shall likewise be notified of any subsequent modification or revocation of such order of

adoption.

The natural parents shall, by such final order of adoption, be divested of all legal rights and obligations in respect to the child, and the child shall be free from all legal obligations of obedience and maintenance in respect to them; such child shall from and after the entry of the interlocutory order herein provided for be, to all intents and purposes, the child and heir at law of the person so adopting him or her, unless and until such order is subsequentially revoked, entitled to all the rights, and privileges and subject to all the obligations of a child of such person begotten in lawful wedlock; but on the decease of such person and the subsequent decease of such adopted child without issue, the property of such adopting parent still undisposed of shall descend to his or her next of kin and not to the next of kin of such adopted child.

At any time after the final order of the court permitting such adoption and change of name, the parent or parents of such minor child, the State board of public welfare, or the child itself, if twentyone years of age, and if not twenty-one years of age, then the child by its next friend, or the adopting parent or parents, may petition the court which entered such order of adoption to vacate the same and terminate the adoption and restore the former name. And the court shall hear evidence for and against such petition, and if from such evidence it appears that a termination of such adoption and restoration of name is manifestly right and proper, and especially if it be for the best interests of the child, the court shall vacate said final order of adoption and change of name, and thereupon such child shall be restored to the position and name which it held before such final order of adoption. But before the court acts upon such petition, ten days notice in writing shall be given to the person or persons who had been permitted to adopt said child if then residents of the State; and if said petition be filed by the next friend of said child, or by its parent or parents, and said child be over fourteen years of age, the court shall require said child to appear before it

and ascertain its wishes in the matter, though the court need not be controlled thereby.

And the court shall see that all the property rights of such child as well as of the person or persons adopting it, are protected, and may make such order as may be proper in the premises so that no injustice may be done.

CHAP. 485.—An ACT to amend and re-enact an act entitled an act making it a misdemeanor for a huband to desert or neglect his wife or for a parent to desert or neglect his children; prescribing the penalty therefor, and making provision for the apprehension and punishment of persons charged with or convicted of non-support; providing for the taking of recognizance, and for the forfeiture and enforcement of the same; providing for the appointment of probation officers, prescribing their duties and powers, and repealing certain acts, approved March 27, 1918. [S B 90]

## Approved March 27, 1922.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act making it a misdemeanor for a husband to desert or neglect his wife, or for a parent to desert or neglect his children; prescribing the penalty therefor, and making provisions for the apprehension and punishment of persons charged with or convicted of nonsupport; providing for the taking of recognizances, and for the forfeiture and enforcement of the same; providing for the appointment of probation officers, prescribing their duties and powers, and repealing certain acts, approved March twenty-seventh, nineteen hundred and eighteen, be amended and re-enacted so as to read as follows:

Sec. 1. Any husband who shall, without just cause, desert or willfully neglect or refuse or fail to provide for the support and maintenance of his wife, and any parent who shall desert or wilfully neglect or refuse or fail to provide for the support and maintenance of his or her male child under the age of sixteen years, female child under the age of seventeen years, or child of either sex of whatever age who is crippled or otherwise incapacitated for earning a living, (such wife, child or children being then and there in destitute or necessitous circumstances), shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not exceeding five hundred dollars, or in the case of a husband or father, be sentenced to the State convict road force at hard labor for a period of not less than ninety days or more than twelve months, or both; or in lieu of such fine being imposed, he or she may be required to suffer a forfeiture of an amount not exceeding the sum of five hundred dollars and said fine or forfeiture may be directed by the court to be paid in whole or in part to the wife or to the guardian, curator, custodian or trustee of said minor child or children, or to some discreet person or responsible organization designated by the court to receive the

In the event that the cities or counties of this State or any of

them shall establish workhouses, city farms, or work squads on which prisoners are put to work, persons convicted of nonsupport under the provisions of this act may be committed to said farms, workhouses or work squads, instead of to the convict road force. Persons sentenced to the State convict road force or to a workhouse or city farm, under the provisions of this act, shall when released therefrom, be returned to the court or justice having exercised original jurisdiction in the case and by said court or justice be placed on probation upon the terms and conditions and in the manner hereinafter prescribed for the probation of original offenders.

It shall be the duty of the board of supervisors of the county. or of the council or other governing body of the city within the boundaries of which any work is performed under the provisions of this act to allow and order payment, at the end of each calendar month, out of the current funds of said county or city, to the court which originally sentenced such prisoner for the support of the wife of such prisoner a sum not less than fifty cents nor more than one dollar for each day's work performed by such prisoner, and twenty-five cents per day additional for each child coming within the provisions of this act, but in no event shall the amount paid to such wife and children exceed one dollar and seventy-five cents per day. In the event that no wife is included in the order of support, payments hereunder for the support of a child or children of such prisoner shall be made to the said court at the rate of not less than fifty cents nor more than one dollar for the first child and twenty-five cents for each additional child, provided that the total amount so paid shall not exceed one dollar and seventy-five cents per day.

If, however, such prisoner shall be employed on the State convict road force or other public work of the State, the sum or sums provided for above shall be paid by the State highway commissioner out of the funds provided for the construction and maintenance of

the public roads or other public work, as the case may be.

Sec. 2. Proceedings under this act may be instituted upon petition verified by oath or affirmation, filed by the wife or child, or by any probation officer upon information received, or by any other person having knowledge of the facts, which said petition shall set forth the facts and circumstances of the case. Upon the filing of said petition the court or the judge thereof in vacation may cause an investigation of said case to be made by a probation officer or other person designated for that purpose, who shall report thereon to the court. and the court may, after considering said report and hearing the complainant, in its discretion dismiss said petition or cause the husband or father, as the case may be, to be brought before it by summons or warrant issued by said court, and the court shall thereupon proceed to hear and determine said case on its merits. Or if no such investigation be ordered by the court, it shall forthwith issue its summons or warrant against the husband or father, and upon the execution thereof shall proceed as above. If the person summoned

as herein provided fails, without reasonable cause, to appear as therein directed, he may be proceeded against as for contempt of court, and the court may proceed with the trial of the case in his absence and render such judgment as to it may seem right and proper, or it may continue the case to some future date, provided that if the trial be proceeded with in the absence of the defendant and judgment of conviction be entered against him, he may, within thirty days after such judgment of conviction is rendered make application to the court to have said case reopened, and after due notice to the original complainant, for good cause, the court may reopen said case and enter such judgment or order as may be right and proper. Except as hereinafter provided, no warrant of arrest shall issue against any person coming within the terms of this act, but all proceedings shall be instituted upon petition as aforesaid. Provided, however, that upon affidavit of the wife or other person that there is reasonable cause to believe that the husband or father is about to leave the jurisdiction of the court with intent to desert said wife, child or children, any justice of the peace of said city or county may issue his warrant for such person returnable before such court.

It shall be the duty of the chief of police, sheritt, or probation officer in any city, town or county of this State when, in his opinion, a person in his jurisdiction is guilty of failure to support his family,

to bring such person before the court.

Sec. 3. Proceedings under this act shall be had in the circuit count of the counties and before the police justices or corporation court of the cities; provided, however, that in cities and counties where such court shall be established, the juvenile and domestic relations court shall have exclusive original jurisdiction in all cases arising under this act. The person accused shall have the same right of appeal as provided by law in other similar cases; provided. however, that any order of court requiring support of wife or children shall remain in full force and effect until reversed or modified by judgment of a superior court, and in such interim, said order shall be enforceable by the court entering the same, and said court may punish for violation of such order as for contempt. After a judgment of conviction and entry of order of support from which no appeal is taken, the hearing in the appellate court on an appeal from any subsequent order, modification or amendment shall be restricted to the particular matter or order appealed from.

The justice and the ministerial officers acting under this act shall be entitled to the same fees as are now or shall hereafter be allowed

in misdemeanor cases.

Sec. 4. At any time before the trial, upon motion of the complainant, with notice to the defendant, the court may enter such temporary order as may seem just, providing for the support of the neglected wife or children, or both, pendente lite, and may punish for violation of such order as for contempt.

Sec. 5. Before the trial, with the consent of the defendant, or

at the trial on entry of a plea of guilty, or after conviction, instead of imposing the penalties hereinbefore provided, or in addition thereto, the judge or justice, in his discretion, having regard to the circumstances of the case and to the financial ability or earning capacity of the defendant, shall have the power to make an order, directing the defendant to pay a certain sum or a certain percentage of his earnings periodically, either directly or through the court or a probation officer, to the wife or to the guardian, curator or custodian of the said minor child or children, or to an organization or individual designated by the court as trustee, and to suspend sentence and release the defendant from custody on probation, upon his or her entering into a recognizance with or without surety, in such sum as the court may order and approve. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court upon such date as may be specified by the court, or whenever, in the meantime, he or she may be ordered so to do, and shall further comply with the terms of such order, or any subsequent modification or amendment thereof, then such recognizance shall be void, otherwise in full force and effect. Any order of support or amendment thereof entered under the provisions of this act shall remain in full force and effect until annulled by the court of original jurisdiction, or the court to which an appeal may be taken, provided, however, that such order of support or terms of probation shall be subject to change or modification by the court from time to time as circumstances may require, but no such change or modification shall effect or relieve the surety of his obligation under such recognizance, provided notice thereof be forthwith given to such

Whenever the accused is outside the territorial jurisdiction of the court, instead of requiring his or her arrest and personal appearance before the court, the court may allow the accused to accept service of the process or warrant and enter a written plea of guilty. The court may thereupon proceed as if the accused were present and enter such order of support as may be just and proper, requiring the accused to enter into the recognizance hereinbefore mentioned. For the purposes of this act the court may authorize the entering into of such recognizance outside the territorial jurisdiction of the court before such official of the place where the accused or his surety may be and under such conditions and subject to such stipulations and requirements as the court may direct and approve. The provisions of this act as to the entering into of recognizances outside the territorial jurisdiction of the court shall likewise apply to any renewal of any recognizance heretofore or hereafter entered into in any desertion and nonsupport case.

In cities having a population of fifty thousand or more on all payments made through the court or probation officer, the court may charge the defendant for collecting and disbursing the same, a fee of not more than five per centum of the amounts so paid, which said col-

lection fee shall be in addition to the regular payments made in pursuance of said order of support. The court or justice shall monthly account for and pay into the treasury of the city or county all fees so collected.

The authority of the court to suspend sentences hereunder may be exercised at any time after conviction and before the completion of the sentence, and as often as the court may deem advisable and to the best interests of the parties, provided that such period or periods of time as may be actually served by the defendant either on the roads or while in jail awaiting transfer to the roads, shall be allowed against and deducted from the original sentence. Any person sentenced hereunder who, after the completion of such sentence, shall continue in his failure, without just cause, adequately to support his wife or children, as the case may be, may again be sentenced, as for a new offense, in the same manner and under like conditions as herein provided, and so on from time to time, as often as such failure or failures shall occur.

Sec. 6. If at any time the court may be satisfied by information and due proof that the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her, under the original conviction, or annul suspension of sentence, and enforce such sentence, or in its discretion may extend or renew the term of probation as the case may be. Upon due proof that the terms of said order have been violated, the court shall in any event have the power to declare the recognizance forfeited, the sum or sums thereon to be paid, in the discretion of the court, in whole or in part to the defendant's wife, or to the guardian, curator, custodian or trustee of the said minor child or children, or to an organization or individual designated by the court to receive the same.

Proof of desertion or of neglect of wife, child or children by any person shall be prima facie evidence that such desertion or neglect is willful; and proof that a person has left his wife, or his or her child or children in destitute or necessitous circumstances, or has contributed nothing to their support for a period of thirty days prior or subsequent either or both to his departure, shall constitute prima facie evidence of an intention to abandon the said family. In every prosecution under this act both husband and wife shall be competent witnesses to testify against each other in all revelant matters, including the facts of such marriage, provided that neither shall be compelled to give evidence incriminating himself or herself.

Sec. 8. Any offense under this act shall be held to have been committed in any county or city in which such wife, child or children may be at the time of desertion, or in which such child or children may be or remain, with the knowledge and aquiescence of the accused, in destitute or necessitous condition, or where the accused shall be found in this State. Whenever the judge or justice within whose jurisdiction such offense is alleged to have been committed shall,

after an investigation of the fact and circumstances thereof, certify that in his opinion the charge is well founded and the case a proper one for extradition, or in any case if the cost of extradition is borne by the parties interested in the case, the person charged with having left the State with the intention of evading the terms of his or her probation or of abandoning or deserting his wife, or his or her child or children, or failing to support them, shall be apprehended and brought back to the county or city having jurisdiction of the case in accordance with the law providing for the apprehension and return to the State of fugitives from justice, and upon conviction punished as hereinabove provided.

Sec. 9. For the purposes of more fully carrying into effect the provisions of this act, probation officers may be appointed as provided by chapter three hundred and fifty of the acts of the general assembly of Virginia of nineteen hundred and eighteen, or as may

be hereafter provided by law. Sec. 10. The said probation officers shall ascertain the name and address and such facts in relation to the antecedent history and environment of the person or persons committed to his charge as may enable him to determine what corrective measures will be proper in the case, and shall exercise constant supervision over the conduct of such person or persons, and his or her family and make report to the judge or justice whenever he shall deem necessary to be required so to do, and he shall use every effort to encourage and stimulate such person to a reformation and to effect a reconciliation between estranged couples. Whenever said chief of police, sheriff or probation officer shall become satisfied that such person is violating the directions, rules or regulations given or prescribed by the judge or justice, as the case may be, for his or her conduct, the said chief of police, sheriff or probation officer shall have authority to arrest such person after a proper capias or warrant has been issued for such person and forthwith carry him before the court or justice, before whom he or she was first brought, and said court or justice may thereupon proceed as hereinbefore provided.

Sec. 11. All laws and parts of laws in conflict with this act are hereby repealed.

de of Virginia. [S I Approved March 27, 1922.

Be it enacted by the general assembly of Virginia, as follows: Section 1. Any person who receives for care or treatment during pregnancy or during delivery, or within ten days after delivery, more than one woman within a period of one year, except women related to such person by blood or marriage, shall be deemed to maintain a maternity hospital. The word "person," where used in this act shall

CHAP. 486.—An ACT to provide for the licensing, regulation, and inspection of maternity hospitals, and to repeal sections 1925 to 1930, inclusive, of the Code of Virginia. [S B 93]

include individuals, voluntary associations, partnership corporations

and partnerships.

The State board of public welfare may grant a license Section 2. for the conduct of any maternity hospital that is for the public good and is conducted by a reputable and responsible person. No maternity hospital shall receive a woman for care therein without first obtaining a license to conduct such hospital from the State board of public welfare. No such license shall be issued unless the medical staff of the hospital includes one or more resident registered nurses and one or more licensed physicians, and the premises are in fit sanitary condition, and the application for such license has been approved by the local board of health. The license may be granted for a period not exceeding one year, and shall state the name of the licensee, the particular premises in which the business may be carried on, and the number of women that may be treated or cared for therein at any one time. The license shall be kept posted in a conspicuous place on the licensed premises. No greater number of women shall be kept at one time than is authorized by the license; and no woman shall be kept in a building or place not designated by the license without the consent of the State board of public welfare. A record of every license so issued shall be kept by the State board of public welfare, which shall forthwith give notice to the State board of health, and to the board of health of the county or city in which the licensee resides, of the granting of such license and the term thereof. The State board of public welfare may revoke a license so issued when a provision of this act is violated, or when in the opinion of said board, such hospital is maintained without due regard to the sanitation and hygiene, or to the health, comfort or well-being of the inmates or or infants born to such inmates; provided, however, that any such licensee shall have the right of appeal, within ten days after receiving notice of the revocation of such license, to the corporation or hustings court of the city or to the circuit court of the county wherein such hospital is situated. The application for such appeal shall operate as a supersedeas to such order of revocation. From any final order or judgment of such corporation, hustings or circuit court, an appeal, writ of error or supersedeas may be applied for to the supreme court of appeals in the manner prescribed by law.

Section 3. The State board of public welfare shall prescribe and furnish forms for the registration and record of persons cared for in any such hospital; provided, however, that in no case shall the

true name of the patient be required to be stated.

Section 4. Every birth occurring in a maternity hospital shall be attended by a legally qualified physician or a competent nurse. The licensee conducting such hospital shall within twenty-four hours after a birth occurs therein in addition to the report required to be filed with the State registrar of vital statistics, make a written report thereof to the State board of public welfare and local board of health, giving the sex of the child and such additional information, when obtainable,



as the State board may require. The licensee shall immediately after the death in such maternity hospital of a woman, or an infant born therein, notify the local board of health of the city or county in which

such hospital is located.

Section 5. The officers and agents of the State board of public welfare, and the local board of health in which a licensed hospital is located shall visit and inspect such hospital at least once in every three months. Moreover, the State board of heaith, through its officers or agents, may also inspect every such hospital when deemed necessary by said board. The licensee shall give all such information to such inspectors and afford them every facility for viewing the premises and seeing the inmates. The said inspectors shall make report of conditions in said hospital, and such report shall be kept by the State board of public welfare.

Section 6. No maternity hospital shall engage in the business of child placing. Any child born in any maternity hospital who is illegitimate and whose father is unknown and whose mother is unable to care for such child, or any child who for any reason will be left destitute of support, shall, through proper court proceedings, be committed to the State board of public welfare, or to any agency licensed

to engage in the business of child placing.

Section 7. On a prosecution under the provisions of this act, a defendant who relies for defense upon the relationship of any woman or infant to himself, shall have the burden of proof on that issue.

Section 8. No officer, or agent, or employee of the State board of public welfare, the State board of health, or the local board of health of the city or county where such licensed hospital is located, or any person who has held such position, shall, directly or indirectly, disclose the contents of the records herein provided for, except upon inquiry before a court or justice, or by order of a court or justice, or upon a coroner's inquest, or for the information of the State board of public welfare, the State board of health, or the local board of health of the city or county in which said hopital is located; provided, however, that nothing herein shall prohibit the State board of public welfare from disclosing such facts with the consent of the parents of said child to such persons as may be in the interest of the child.

Section 9. Every person who violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one hundred dollars, or by imprisonment in jail for not more than one year, or by both such fine

and imprisonment.

Section 10. Sections nineteen hundred and twenty-five to nineteen hundred and thirty, inclusive, of the Code of Virginia are hereby repealed.

Digitized by Google

CHAP. 487.—An ACT to provide for the licensing, regulation and inspection of children's boarding houses and nurseries. [S B 80]

# Approved March 27, 1922.

Be it enacted by the general assembly of Virginia, as follows:

Section 1. Any person who has in his custody or under his control at any one time three or more children, of different children's parents, under the age of six years unattended by a parent or guardian except children related to him by blood or marriage, for the purpose of providing them with care, food or lodging, by the day, week or month, shall be deemed to maintain a children's boarding house or nursery. The word "person" where used in this act shall include individuals, partnerships, voluntary associations and corporations; provided, however, that this act shall not be construed to relate to any institution under the management of the State board of public welfare, or to its officers or agents.

Section 2. The State board of public welfare may grant a license to maintain any children's boarding house or nursery that is for the public good and is conducted by a reputable and responsible person. No person shall receive a child for care in any such boarding house or nursery without first obtaining such license from the State board of public welfare. Every application for such license shall first be approved by the board of health of the county or city in which such boarding house or nursery is to be maintained and no such license shall be issued unless the premises are in fit sanitary condition. The license shall be granted for a term not exceeding one year, shall state the name of the licensee, the particular premises in which the business may be carried on, the number of children that may be boarded or cared for at one time, and shall be kept posted in a conspicuous place on the licensed premises. No greater number of children shall be kept at one time on the premises than is authorized by the license, and no child shall be kept in a building or place not designated in the license. A record of the licenses issued shall be kept by the State board of public welfare which shall forthwith give notice to the State board of health and to the board of health of the county or city in which the licensee resides of the granting of such license and the terms thereof. The State board of public welfare may revoke a license so issued when a provision of this act is violated, or when, in the opinion of said board, such boarding house or nursery is maintained without due regard to the health, comfort or morality of the inmates thereof. The board shall note such revocation upon the face of the record of such license and shall give written notice of the revocation to the licensee and shall notify the board of health of the city or county in which said boarding house or nursery is situated; provided that any such licensee shall have a right of appeal within ten days from any such order of revocation to the juvenile and domestic relations court of the city or the county wherein such boarding house or nursery is situated.

Section 3. The State board of public welfare shall prescribe and furnish forms for the registration and records of children cared for in such boarding houses. The record of each child shall state its name, the date of its reception, together with the name and address of the parents and the name and address of the person or persons bringing the child to the home, the date of its discharge and the name and address of the person to whom it was delivered on discharge, and such other information as the State board shall prescribe.

Section 4. The licensee of any such boarding house shall within three days of the reception of any child for boarding or lodging, and within three days of its discharge, notify the State board of public welfare or local board of health or local health officer, giving the name, age and address, of the child, its parents and the person from whom or by whom respectively it was received. Notice of the death of any child in such boarding house shall be sent immediately to the local board of health and to the State board of public welfare.

Section 5. The State board of public welfare, the State board of health, and the local board of health in which a licensed boarding house or nursery is located shall, through their officers or agents, visit and inspect such place at least once in every three months. They may at any time visit such place and call for and examine the records which are required to be kept and inquire into all matters concerning such place and the children therein. The licensee shall give all information to such inspectors and afford them every facility for viewing the premises and seeing the inmates. The said inspectors shall make reports of conditions in said places and such report shall be kept by the State board of public welfare.

Section 6. No officer or agent or employee of the State board of public welfare, or the local board of health of the city or county where such licensed boarding house or nursery is located, or any person who has held such position, shall, directly or indirectly, disclose the contents of the records herein provided for, or facts learned about the children or their parents except upon inquiry before a court of justice, or by order of such court or justice, at a coroner's inquest, or for the information of the State board of public welfare, or the State board of health, or the local board of health of the city or county in which said boarding house or nursery is located; provided, however, that nothing herein shall prohibit the State board of public welfare from disclosing such facts with the consent of the parents of said child to such persons as may be in the interest of the child.

Section 7. Every person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars, or by imprisonment in jail for not more than one year, or by both such fine and imprisonment. CHA. 488.—An ACT to provide, in certain cases, for the payment out of county and city treasuries of allowances for the support of children in their own homes and for the partial reimbursement by the State of the counties and cities making such payments; also to repeal an act entitled an act providing that any county or city of this State may pay a monthly allowance to indigent, widowed mothers for the partial support of their children in their own homes, approved February 28, 1918.

[S B 84]

#### Approved March 27, 1922.

Be it enacted by the general assembly of Virginia, as follows:

Section 1. Any person having knowledge that any child is dependent or in need of public support may bring such fact to the notice of the county or city board of public welfare, or, where none exists, to the juvenile and domestic relations court or other court having

jurisdiction of cases of dependent and neglected children.

Sec. 2. The said board or court shall cause to be made an investigation to determine the need of the child, and if it deem necessary, may for such length of time as the board or court deem proper, order the payment of allowances to the mother, within the limits of any appropriation that may have been made for such purposes by the county, city, or State, in order that the child may be kept in its own home; provided, the child is under sixteen years of age, and the father is dead or in a hospital for the insane, a colony for the feeble-minded and epileptic, in prison, or is physically incapacitated to earn a living, or is and for one year has been legally charged with desertion, or is divorced and the mother has used all lawful means to compel support of the child by its father.

Sec. 3. The allowances shall be for the purpose, among others, of enabling the mothers to bring up their children in their own homes and such mothers and their children shall not be deemed to be paupers by reason of receiving such aid. The allowances shall cease when the child reaches the age of sixteen years; but the county or city board of public welfare, or the court having jurisdiction, in its discretion at any time before such child reaches the age of sixteen

years, may discontinue or modify any such allowance.

Sec. 4. Allowances shall be granted only upon the following conditions: (a) The dependent child or children must be living with the mother during the period for which support is provided; (b) the allowance shall be granted only when in the absence of such allowance the mother would be required to work regularly away from her home and children, and when, by means of such allowance she would be able to remain at home with her child or children, except when in the judgment of the board or court part time work can be done without sacrifice of her health or neglect of the home and children; (d) such allowance shall be necessary to save the child or children from neglect, and to furnish such child or children with suitable education; (e) no person shall receive the benefit of this act who has not resided in the county or city one year and the State two years before making application for aid hereunder.

Sec. 5. Allowances within the limits of any appropriation that

may have been made for such purposes by the county, city, or State, to expectant mothers may be made by the county or city board of public welfare, or the court having jurisdiction, upon the following conditions: (a) The allowance shall commence not earlier than four weeks prior to the expected birth of the child and shall continue not longer than eight weeks after childbirth; (b) such allowance shall in the judgment of the board or court be necessary to save the mother and child from neglect; (c) no allowance shall be made in any case except when after investigation by the said board or court it has been ascertained that there are no relatives able and willing to aid in the support of the mother and child, and that no other suitable provision can be made.

Investigation of cases under this act shall be made through the county or city board of public welfare, or where none exists, through the court having jurisdiction. If the court has no probation officer the judge shall appoint a committee of three persons, at least one of whom shall be a woman, to make the investigation. The committee shall serve without compensation. The investigation shall include the following: Whether the surroundings of the home are such as to make for the good character of the child or children growing up therein and whether the child or children are attending school, and if not, why. It shall further be the object of such investigation to ascertain the financial resources of the family, including the ability of its members of working age to contribute to its support. and to urge upon such members that they may make proper contribution; to take all lawful means to secure support for the family from relatives under obligation to render such support, and to interview individuals, societies and other agencies which may be deemed appropriate sources of assistance.

Sec. 7. Proper and adequate supervision shall be maintained by the local superintendent of public welfare, the county or city welfare board, or where there is no such local superintendent or local board, by the probation officer of the juvenile and domestic relations court, or by the committee appointed by the court having jurisdiction. Every family to which an allowance has been made shall be visited at its home by the supervising officer or officers at least once in three months. After each visit the person making the same shall make and keep on file as a part of the official record of the case a detailed statement of the condition of the home and family and all other data which may assist in determining the wisdom of the allowance granted and the advisability of its continuance. All findings and orders provided for in this act may be made upon the written reports of official investigators, with like effect as if based upon competent testimony given in open court.

Sec. 9. All moneys paid to any person under the provisions of this act shall be exempt from attachment, garnishment, distress, execution or other legal process.

Sec. 10. In this act the word "father" may also denote step-father and the word "mother" may denote step-mother, in whose

family the child is a member. The provisions of this act may also be extended for the benefit of orphan children who are dependent on

some female relative unable to support them.

Sec. 11. The State board of public welfare shall co-operate with courts and shall supervise and direct county and city boards of public welfare and their agents with respect to methods of investigation, supervision and record keeping; shall devise, recommend and distribute blank forms; shall by its agents visit and inspect families to which allowances are being made; shall have access to all records and other data kept by courts and other agencies concerning such allowances; and may require such reports from clerks of the courts, county and city welfare boards, probation officers and other official investigators, as it shall deem necessary.

Sec. 12. The board of supervisors of each county, and the council or other governing body of each city of the State, may make appropriations of such sums as they may deem necessary for carrying out the purposes of this act and for paying such allowances as may be granted under the same. Such appropriations shall be made at such

times as necessity may require.

Sec. 13. A certified copy of the order granting an allowance shall be filed with the treasurer of the county, or the treasurer or proper disbursing officer of the city, and thereafter, so long as such order remains in force and unmodified, and there is in his hands sufficient funds appropriated for such purposes to pay the same, such officer shall draw his warrant in favor of the mother at such time or times and for such amount or amounts as may be specified in such order. The warrant shall be delivered to the county or city board of public welfare, or its authorized agent, or where no such board exists, to any officer authorized by the court making the order to receive the same, which board, agent or officer shall deliver it to the mother entitled thereto, who must execute a receipt therefor. This receipt shall be kept with the other records in the proceedings relating to the child or children. It shall be the duty of the treasurer of the county or the treasurer or proper disbursing officer of the city to pay the warrant, when properly presented, out of the appropriation directed by the next preceding section hereof to be made for the purpose.

Sec. 14. During the month of January each year the treasurer of the county, or the treasurer or proper disbursing officer of the city, shall certify under oath to the auditor of public accounts and the State board of public welfare the amount paid out by the county or city during the preceding year for allowances under this act; and if the said board shall approve the same in whole or in part, it shall cause the extent of its approval to be endorsed by its chairman on the certificate received by the auditor; whereupon the said auditor, shall draw his warrant in favor of the treasurer of the county or the treasurer or proper receiving officer of the city, for one-third of the amount so approved and certified to have been paid out by the county



or city. The State treasurer, provided there are funds appropriated for that purpose, shall pay the same, and such local officer shall place the sum to the credit of the general fund of the county or city or such other fund as the board of supervisors of the county, or the council or other governing body of the city, may direct.

Sec. 15. If in any county or city this act shall be unlawfully or improvidently administered, or if any of the agencies administering it shall wrongfully refuse to co-operate with the State board of public welfare, the board may refuse to approve and indorse the certificate

of disbursement.

Sec. 16. Any person fraudulently procuring or attempting to procure an allowance under this act for a person not entitled thereto, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars or confined in jail not exceeding one year, or both.

Sec. 17. This act shall be liberally construed with a view to accomplishing its purpose, which is to keep children in their own homes and where possible to give them the benefit of their mother's

care, and to save them from want, suffering and neglect.

Sec. 18. An act entitled an act providing that any county or city of this State may pay a monthly allowance to indigent widowed mothers for the partial support of their children in their own home, approved February twenty-eighth, nineteen hundred and eighteen, is hereby repealed.

CHAP. 489.—An ACT to regulate the employment of children; to repeal an act entitled an act to amend and re-enact chapter 210 of the Acts of 1908, regulating the employment of children in certain employments, approved March 13, 1908, as amended by chapter 339 of the Acts of 1914, approved March 27, 1914, approved March 14, 1918; to repeal an act entitled an act to permit children over the age of twelve years to work in fruit and vegetable canneries and to transmit merchandise or run errands, approved March 20, 1920, and to repeal sections 1809 to 1816, inclusive, of the Code of Virginia, section 1810 of which was amended by an act approved March 25, 1920.

[S B 81]

Be it enacted by the general assembly of Virginia, as follows:

Section 1. No child under fourteen years of age shall be employed, permitted or suffered to work in, about, or in connection with any gainful occupation, other than work on farms, orchards and in gar-

dens, except as specified in this act.

Section 2. No child under sixteen years of age shall be employed, permitted or suffered to work in, about, or in connection with any gainful occupation, (1) more than six days in any one week; (2) nor more than forty-four hours in any one week; (3) nor more than eight hours in any one day; (4) nor before the hour of seven o'clock in the morning nor after the hour of six o'clock in the evening, except on farms, in orchards or in gardens. Every employer shall post and keep posted conspicuously in the place where any child is employed,

permitted, or suffered to work a printed notice setting forth the maximum number of hours such child may be required or permitted to work each day of the week, the hours of beginning and ending of work each day, and the hours when the time allowed for meals

begins and ends.

Section 3. No child under sixteen years of age shall be employed, permitted or suffered to work in, about, or in connection with any gainful occupation with the exception of work on farms, orchards and in gardens, unless the person, firm or corporation employing such child procures and keeps on file and accessible to any school attendance officer, inspector of labor or other authorized person charged with the enforcement of this act, the employment certificate as hereinafter provided, issued to such child; and keep two complete lists of the names, together with the ages, of all children under sixteen years of age employed in or for such establishment or in such occupation, one on file and one conspicuously posted near the principal entrance of the place where such children are employed.

Section 4. Employment certificates shall be issued only by the chief school attendance officer, or if there is no attendance officer, by the division superintendent of schools or by any person designated by him in the city, town or county in which the child is to be employed and only upon application in person of the child desiring employment, accompanied by the parent, guardian, or custodian of such child. Where there is no attendance officer, the division superintendent of schools shall designate one or more persons to grant such permits in every city, town or county. The person issuing such certificate shall have authority to administer the oath provided for therein, or to make any investigation or examination necessary for the issuance thereof. No fee shall be charged for issuing any such certificate nor for administering any oath or rendering any services in respect thereto. The officer issuing the certificate shall establish and maintain proper records where copies of all such certificates and all documents connected therewith shall be filed and preserved.

Section 5. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined,

approved and filed the following papers:

(a) A statement signed by the prospective employer, or some one duly authorized on his behalf, stating that he expects to give such child present employment, setting forth the specific nature of the occupation in which he intends to employ such child and the number of hours per day and of days per week which said child shall be employed and the daily time of the beginning and ending of such employment and of the period for lunch, and agreeing to send the notice of the commencement of employment and to return the certificate according to the provisions of this act.

(b) Proof of age as provided in section six of this act.

(c) A certificate of physicial fitness as provided in section seven of this act.



Section 6. The evidence of age required by this act shall consist of one of the following proofs of age, which shall be required in the order herein designated:

(a) A birth certificate or attested transcript issued by a registrar of vital statistics or other officer charged with the duty of

recording births.

(b) A babtismal record or duly certified transcript thereof showing the date of birth and place of baptism of the child.

(c) A passport or a certificate of arrival issued by immigration

officers of the United States showing the age of the child.

(d) A bona fide contemporary record of the date and place of the child's birth kept in the Bible in which the record of the births in the family of the child are preserved.

(e) Other documentary record of the child's age satisfactory to the issuing officer: provided, that a school record, a school census record, or a parent's, guardian's or custodian's affidavit or statement of age shall not be accepted except as specified in subdivision (f).

(f) A certificate of physical age, signed by a public health or public school physician and based upon a physical examination. Such certificate shall state the height and weight of such child and other evidence upon which the opinion as to the age of such child is founded. No fee shall be charged for this certificate. A parent's, guardian's or custodian's affidavit of age, and a record of the age as given in the register of the school first attended by the child, if obtainable, or in the earliest available school census, shall accompany the physician's certificate of age. And no employment certificate shall be issued if any of the above possible sources shows the child to be under the age of fourteen; except as provided in section ten of this act.

Section 7. The certificate of physical fitness required by this act shall be signed by a public health or school physician. It shall show height and weight of the child and shall state that the said child has been thoroughly examined by the said physician within a period of ten days and has been found to be of normal development for a child of his age, is in sound health, and is physically qualified for the employment specified in the statement submitted by the employer.

Section 8. But nothing contained in this act shall be construed as qualifying in any way the provisions of the compulsory education laws of this State, nor as authorizing the employment of any child

who is absent unlawfully from school.

Section 9. The employment certificate required to be issued shall state the name, sex, color, date of birth and place of residence of the child. It shall certify that all the conditions and requirements for issuing an employment certificate under the provisions of this act have been fulfilled, and shall be signed by the person issuing it. It shall state the grade last completed by said child, the number of years said child has attended school, and the kind of evidence of age accepted for the employment certificate. It shall state the name and address of the employer for whom and the nature of the specific



occupation in which the employment certificate authorizes the child to be employed, and no certificate shall be valid except for the employer so named and the occupation so designated. It shall bear a number, shall show the date of its issue, and shall be signed by the child for whom it is issued in the presence of the person issuing it. It shall be issued in triplicate, one copy to be mailed to the employer, one copy to be sent to the State commissioner of labor and one copy to be retained and kept on file by the issuing officer.

Section 10. The provisions of this act shall not apply to children between the ages of twelve and sixteen working in fruit or vegetable canneries for not more than eight hours in any one day, where public schools are not actually in session.

Section 11. Every employer receiving an employment certificate shall notify the issuing officer within seven days of the time of the commencement of the employment of such child, and within seven days after the termination of the employment shall return said certificate to the issuing officer. Failure so to notify shall be cause for the cancellation of the certificate; and failure so to return it shall be cause for the refusal of further certificates upon the application of such employer. Returned certificates shall be filed, and the commissioner of labor shall be notified by the issuing officer of their return.

Section 12. An employment certificate shall be invalid after twelve months from date of issue unless there shall have been filed with the issuing officer a new certificate of physical fitness as provided for in section seven.

Section 13. No child under sixteen years of age shall be employed, permitted or suffered to work in any mine, quarry, tunnel, excavation work, brick or lumber yard, nor shall they operate or assist in operating any dangerous machinery; oil, assist in oiling, wiping or cleaning any such machinery; nor shall they be employed in any capacity in preparing any composition in which dangerous or poisonous chemicals are used; and they shall not be employed in any capacity in the manufacturing of paints, colors or white lead; and no boy under sixteen and no girl under eighteen years of age shall be employed, permitted or suffered to work in any retail cigar or tobacco store, or in any theatre, concert hall, pool hall, bowling alley or place of amusement or in any hotel, restaurant, steam laundry, or in any passenger or freight elevator.

Section 14. No male under fourteen years of age and no female under eighteen years of age shall be employed, permitted or suffered to work as a messenger for any telegraph or messenger company or messenger service in the distribution, transmission or delivery of goods or messages at any time. No male under eighteen years of age and no girl under twenty-one years of age shall be employed, permitted or suffered to work as a messenger for any telegraph or messenger company or service in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day.

Section 15. No boy under fourteen years of age, and no girl under eighteen years of age, shall be employed, permitted or suffered to work in a street or public place in the occupation of peddling, bootblacking or distributing or selling newspapers, magazines, periodicals or circulars, or engaged in any gainful occupation, in a street or public place, except that any boy between twelve and sixteen years of age may engage in the occupations of bootblacking or distributing and selling newspapers, magazines, periodicals or circulars which are by law permitted to be distributed and sold, or running errands or delivering parcels at such time or times between six o'clock A. M. and seven o'clock P. M. in each day that the public schools are not in session, provided such boy procures and carries on his person a badge as hereinafter provided. Such badge shall be issued by the same person authorized to issue an employment certificate, and upon compliance with all the requirements for the issuance of an employment certificate. It shall bear a number and on its reverse side shall be signed in the presence of the person issuing it by the child in whose name it is issued, together with address and date of birth. A deposit of fifty cents shall be made for the use of each badge, to be held by the officer issuing the badge and refunded upon the return thereof.

Section 16. No boy to whom such a badge is issued shall transfer it to any other person, nor be engaged in any of the trades and occupations mentioned in section fifteen without having conspicuously on his person such badge, and he shall exhibit the same upon demand to any police officer, school attendance officer, or to any labor inspector or other person charged with the duty of enforcing the provisions of this act. A complete record of badges issued and refused, and of the facts relating thereto, shall be kept by the issuing officer. No boy engaged in any of the street trades mentioned in section fifteen shall work more than eight hours in any one day. Nothing herein contained shall be construed to permit the violation of a curfew ordinance of any city or to prevent any boy twelve years of age or over from distributing newspapers, magazines or periodicals to regular subscribers at their residences or places of business, without securing such badge. All such badges shall expire annually on the first day of January. The color of the badge shall be changed each year.

Section 17. Whoever employs, procures, or, having under his control, permits a child to be employed, or issues an employment certificate in violation of any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more than twenty-five dollars for the first offense, not less than twenty-five dollars nor more than fifty dollars for the second offense, and not less than fifty dollars nor more than two hundred and fifty dollars for any subsequent offense, or in addition to such fine in the case of such subsequent offense, may be confined in jail not less than thirty days nor more than ninety days. Any employment contrary to the provisions of this act shall be prima

facie evidence of guilt both as to employer and the person having control of the child.

Section 18. The commissioner of labor shall enforce the provisions of this act and shall have authority to appoint such inspectors and assistants as may be necessary to secure the enforcement of this act. He shall supervise the work of the attendance officers or other persons in each city and county authorized to enforce this act and shall make all necessary rules and regulations for carrying out the purposes of this act, and shall prescribe and supply to the proper officials blanks for employment certificates, badges for street trade. and such other forms as may be required for carrying out the provisions of this act.

Section 19. An act entitled an act to amend and re-enact chapter two hundred and one of the acts of nineteen hundred and eight, regulating the employment of children in certain employments, approved March thirteenth, nineteen hundred and eight, as amended by chapter three hundred and thirty-nine of the acts of nineteen hundred and fourteen, approved March twenty-seventh, nineteen hundred and fourteen, approved March fourteenth, nineteen hundred and eighteen, and an act entitled an act to permit children over the age of twelve years to work in fruit and vegetable canneries and to transmit merchandise or run errands, approved March twentieth, nineteen hundred and twenty, and sections eighteen hundred and nine to eighteen hundred and sixteen, inclusive, of the Code of Virginia, section eighteen hundred and ten of which was amended by an act approved March twenty-fifth, nineteen hundred and twenty, are hereby repealed.

CHAP. 490.—An ACT to amend and re-enact section 5117 of the Code of Virginia, in relation to a widow's dower. [H B 73]

#### Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section five thousand one hundred and seventeen of the Code of Virginia be amended and re-enacted to read as follows:

Sec. 5117. Of what a widow shall be endowed.—A widow shall, if her husband die testate, be endowed of one-third, and if he die intestate and without issue of this marriage, or of a former marriage, endowed of all the real estate whereof her husband, or any other to his use, was, at any time during the coverture, seised of an estate of inheritance, unless her right to such dower shall have been lawfully barred or relinquished.

CHAP. 491.—An ACT in relation to a surviving husband's curtesy. [H B 74]

## Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That a surviving husband shall, if the wife die testate, be entitled to curtesy in one-third, and if she die intestate and without issue, of this or of a former marriage, in all of the real estate (except her equitable separate estate where the instrument creating the same otherwise provides), whereof his wife, or any other to her use, was at any time during the coverture seized of an estate of inheritance, unless his right to curtesy shall have been lawfully barred or relinquished, and the fact that the husband conveyed or caused the real estate to be conveyed to the wife shall not bar his curtesy therein, nor shall it be a necessary requisite to curtesy that the wife shall have had a child born alive during coverture.

CHAP. 492.—An ACT to amend and re-enact section 5264 of the Code of Virginia.

[H B 75]

Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-two hundred and sixty-four of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 5264. Course of descents generally.—When any person having title to any real estate of inheritance shall die intestate as to such estate, it shall descend and pass in parcenary to such of his kindred, male and female, as are not alien enemies, in the following course:

First. To his children and their descendants.

Second. If there be no child, nor the descendant of any child, then to his or her father and mother, or the survivor.

Third. If there be no father nor mother, then to his or her brothers and sisters, and their descendants.

Fourth. If none such, then the whole shall go to the surviving consort of the intestate.

Fifth. If none such, then one moiety shall go to the paternal, the other to the maternal kindred, of the intestate, in the following course:

Sixth. First to the grandfather and grandmother.

Seventh. If none such, then to the great grandfathers, or great grandfather, and great grandmothers, or great grandmother.

Eighth. If none, then to the brothers and sisters of the grand-fathers and grandmothers, and their descendants.

Ninth. And so on, in other cases, without end, passing to the nearest lineal ancestors, and the descendants of such ancestors.

Tenth. If there be neither maternal nor paternal kindred, the whole shall go to the kindred of the husband or wife, in the like course as if such husband or wife had died entitled to the estate.

CHAP. 493.—An ACT to validate, ratify, approve and confirm bonds issued on election heretofore held authorizing the issuance of such bonds by any school district of the State for the purpose of building, rebuilding, or otherwise permanently improving the school buildings of said school district or for original equipment therefor.

[H B 467]

## Approved March 28, 1922.

- 1. Be it enacted by the general assembly of Virginia, That all elections heretofore held in any school district of the State to provide for the issuance of bonds for the purpose of building, rebuilding, or otherwise permanently improving the school buildings of said school district, or for original equipment therefor, be and the same are hereby validated, ratified, approved and confirmed, notwithstanding any defect or irregularity in the calling or holding of said elections or in the petitions presented to the circuit court praying for the holding of such elections and said proceedings or in the circuit court's order ordering or confirming same, be and the same are hereby validated, approved and confirmed, and said bonds are hereby declared to be the valid and binding obligations of the school district authorizing the issuance of said bonds, provided that this act shall not repeal or affect any special or local act validating any bond issue.
- 2. An emergency existing, in that certain school districts are in urgent need of funds to be derived from the sale of bonds for the purpose of building, rebuilding, or otherwise permanently improving the school buildings of said school district, or for original equipment therefor, this act shall be in force from its passage.

CHAP. 494.—An ACT to amend and re-enact section 2945 of the Code of Virginia as amended by an act approved March 20, 1920. [H B 124]

#### Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-nine hundred and forty-five of the Code of Virginia, as amended by an act approved March twentieth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Section 2945. Appointment of city or town officers and employees.—The council of any city or town that has already, or may hereafter adopt, the city or town manager plan of government, may, by a majority vote of all the members elected to such council, abolish any board or commission of such city or town, except the school board, or the sinking fund board or commission, and may delegate and distribute the duties, authority, and powers of the boards or commissions abolished, except the power of election or appointment formerly exercised by such board or commission, to the city or town manager, or to any other officer of the city or town it may think proper.

The provisions of this statute shall include specifically the board of police commissioners; the board of fire commissioners; the board

of health; the board of overseers of the poor; the farm board, and the park and forestry commission, and all other boards or commissions of a similar character of such cities and towns as shall adopt or have adopted such manager plan, except the school board and the sinking fund board or commission; and when any such board or commission has been or shall be abolished, the officers or employees formerly appointed or employed by such board or commission, as well as such other officers and employees as the council of such city or town shall determine are necessary for the proper administration of the city or town, whether such officials or employees be State or municipal, with the exception of those in the financial. legal and judicial departments, and the clerical and other attendants of the council, shall be appointed and may be removed by the city manager, who shall report each appointment or removal to the council at the next meeting thereof following any such appointment or removal.

In the event of the abolition of any such board or commission, those to whom the duties of the abolished board or commission may be delegated or distributed, and those who may be appointed by the city manager in the exercise of the powers formerly exercised by such board or commission, shall discharge all of the duties, exercise all of the powers and authority, and both they, and the city or town by which they are appointed or employed, shall enjoy the immunities and exemptions from liability or otherwise that were enjoyed by the abolished boards or commissions, or by their appointees, prior to the adoption of said city manager plan of government, except insofar as such duties, powers, authority, immunities and exemptions had been or hereafter may be changed according to law.

2. An emergency existing, this act shall be in force from its passage.

CHAP. 495.—An ACT to amend and re-enact sections 5523, 5524, and 5525 of the Code of 1919.

Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That sections fifty-five hundred and twenty-three, fifty-five hundred and twenty-four, and fifty-five hundred and twenty-five of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 5523. On what goods levied.—The distress may be levied on any goods of the lessee, or his assignee, or undertenant, found on the premises, or which may have been removed therefrom not more than thirty days. A levy within such thirty days shall have like effect as if the goods levied on had not been removed from the leased premises. If the goods of such lessee, assignee, or undertenant, when carried on the premises, are subject to a lien, which is valid against his creditors, his interest only in such goods shall be liable to such distress. If any lien be created thereon while they are upon

the leased premises, or within thirty days thereafter, they shall be liable to distress, but for not more than six months' rent, whether it shall have accrued before or after the creation of the lien. other goods shall be liable to distress than such as are declared to be so liable in this section, nor shall the goods of the undertenant be liable to a greater amount than such undertenant owed the tenant at the time the distress was levied.

Section 5524. When goods not to be removed without paying six months' rent; lien for taxes, levies, and militia fines not affected.— If, after the commencement of any tenancy, a lien be obtained or created by deed of trust, mortgage, or otherwise, upon the interest or property in goods on premises leased or rented, of any person liable for the rent, or the said goods be sold, the party having such lien, or the purchaser of such goods, may remove them from the premises on the following terms, and not otherwise, that is to say: On the terms of paying to the person entitled to the rent so much as is in arrear, and securing to him so much as is to become due, what is so paid or secured not being more altogether than six months' rent in any case. If the goods be taken under legal process, the officer executing it shall, out of the proceeds of the goods, make such payment of what is in arrear; and as to what is to become due, he shall sell a sufficient portion of the goods on a credit till then, taking from the purchasers bonds, with good security, payable to the person so entitled, and delivering such bonds to him. If the goods be not taken under legal process, such payment and security shall be made and given before their removal. Neither this nor the preceding section shall affect any lien for taxes, levies, or militia fines.

Section 5525. When goods of an undertenant may be removed from leased premises.—The preceding section is subject to the following limitations: An undertenant, or a purchaser from him, or a creditor holding a deed of trust, mortgage, or other encumbrance created on his goods after they were carried on the leased premises, may remove the same upon payment of so much of the rent contracted to be paid by him as is in arrear, and securing the residue, not exceeding six months' rent; and if the goods be taken under legal process against him, the officer executing the same shall, out of the proceeds of his goods, make payment of so much of the rent as to which he is in arrear, and as to what is to become due from him, shall sell sufficient of the goods upon credit until then, taking from the purchasers bonds with good security, payable to the party entitled to receive the same, and deliver them to him. Provided, that nothing contained in this act shall apply to farm lands that are rented

for agricultural purposes.

CHAP. 496.—An ACT to amend and re-enact section 4909 of the Code of Virginia, as amended by an act approved March 19, 1920. [H B 211]

#### Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section forty-nine hundred and nine of the Code of Virginia, as amended by an act approved March nineteenth, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Section 4909. When sanity of accused to be tried; if sane, trial to proceed; if sane when offense committed, or at trial, what the court to do.—If, prior to the time for trial of any person charged with crime, either the court or attorney for the Commonwealth has reason to believe that such person is in such mental condition that his confinement in a hospital for the insane or a colony for the feeble-minded is necessary for proper care and observation, the said court or the judge thereof may, after hearing evidence on the subject, commit such person to the department for the criminal insane at the proper hospital under such limitations as it may order, pending the determination of his mental condition, and in such case the court, in its discretion, may appoint one or more physicians skilled in the diagnosis of insanity, or other qualified physicians, and when any person is alleged to be feeble-minded may likewise appoint persons skilled in the diagnosis of feeble-mindedness, not to exceed three, to examine the defendant before such commitment is ordered, and make such investigation of the case as they may deem necessary, and report to the court the condition of the defendant at the time of their examination. A copy of the complaint or indictment, attested by the clerk, together with the report of the examining commission, including, as far as possible, a personal history, according to the form prescribed by the general board of directors of the State hospitals, shall be delivered with such person to the superintendent of the hospital to which he shall have been committed under the provisions of this act.

If a court, in which a person is held for trial, see reasonable ground to doubt his sanity or mentality at the time at which, but for such a doubt, he would be tried, it shall suspend the trial and proceed as prescribed in the foregoing paragraph or until a jury inquires into the fact as to the sanity or mentality of such person. Such jury shall be impaneled at its bar. If any such person so removed to the department for the criminal insane at the proper hospital is, in the opinion of the superintendent, not insane or feebleminded, or when such person, if insane, has been restored to sanity, the said superintendent shall give ten days' notice in writing to the clerk of the court from which such person was committed, and shall send such person back to the jail or custody from which he was removed, where he shall be held in accordance with the terms of the process by which he was originally committed or confined.

If the jury or commission find the accused to be sane at the time of their verdict, they shall make no other inquiry, and the trial in

chief shall proceed. If the jury find that he is insane or feeble-minded at the time of their verdict, they shall further inquire whether or not he was insane or feeble-minded at the time of the alleged offense; if they find that he was also insane or feeble-minded at the time of the alleged offense the court may dismiss the prosecution and shall order him to be removed thence to the department of the criminal insane at the proper hospital, there to be detained until he is restored to sanity. If they find that he was not insane or feeble-minded at the time of the alleged offense, but is now insane or feeble-minded, the court shall order him to be confined in the department for criminal insane at the proper hospital until he is so restored that he can be put upon his trial.

The experts or physicians skilled in the diagnosis of insanity or feeble-mindedness, or the physicians appointed by the court to render the foregoing professional service shall be paid at the rate of fifteen dollars per diem, and mileage during attendance upon court in the trial of such cases. Itemized account of expense, duly sworn to, must be presented to the court, and when allowed shall be certified to the auditor of public accounts for payment out of the State treasury, and be by him charged against the appropriation made to pay criminal charges. Allowance for the per diem authorized shall also be made by order of the court duly certified to the auditor of public accounts for payment out of the appropriation to pay criminal charges.

The superintendent shall from time to time, or as often as the court may require, inform the court of the condition of the said person while confined in the hospital.

CHAP. 497.—An ACT to amend and re-enact an act entitled an act to authorize the town of Blacksburg, in Montgomery county, to issue bonds and to borrow money for the purpose of improving the streets of the said town, approved March 17, 1916.

[H B 477]

#### Approved March 28, 1922.

- 1. Be it enacted by the general assembly of Virginia, That an act entitled an act to authorize the town of Blacksburg, in Montgomery county, to issue bonds and to borrow money for the purpose of improving the streets of the said town, approved March seventeenth, nineteen hundred and sixteen, be amended and re-enacted so as to read as follows:
- Sec. 1. The council of the town of Blacksburg, in Montgomery county, may, for and in the name of the town, cause to be issued bonds, the form of which shall be prescribed by the council, not exceeding the amount of ten thousand dollars, said bonds to be signed by the mayor and attested by the clerk of said town, bearing interest at a rate not exceeding six per centum per annum and payable not exceeding ten years from date and redeemable after five years at the



pleasure of the council of the said town; provided, however, that the money arising from the sale of the said bonds shall be used and applied by the said council exclusively for street improvement in macadamizing Main street of said town from the corporate line on the Christiansburg road following Main street to the corporate line on the Newport road, and supplementing an amount of money to be spent on said street by the State highway department in building a State road through the said town of Blacksburg; and provided, further, that the amount necessary for paying the interest on these bonds and providing a sinking fund to be used in payment of the regular town levy as already provided for, for laying and collecting the same, or a special levy may be laid to provide for the same, except on such subjects as cities and towns are forbidden by general law to impose taxes on, or to require license of.

2. An emergency existing, this act shall be in force from its

passage.

CHAP. 498.—An ACT to amend and re-enact section 6426 of the Code of Virginia.

[H B 461]

Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section sixty-four hundred and twenty-six of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 6426. Lien for work done and materials furnished by artisans, mechanics, lumber dealers, and others.—All persons performing labor, or furnishing materials, of the value of ten dollars or more, for the construction, removal, repair, or improvement of any building or structure permanently annexed to the freehold, and all persons performing any labor or furnishing materials of like value for the construction of any railroad, shall have a lien, if perfected as hereinafter provided, upon such building or structure, and so much land therewith as shall be necessary for the convenient use and enjoyment thereof, and upon such railroad and franchises for the work done and materials furnished. But when the claim is for repairs or improvements only, no lien shall attach to the property repaired or improved unless such repairs or improvements were ordered by the owner, or his agent. As used in this chapter, the term "general contractor" shall include contractors, laborers, mechanics, and persons furnishing materials, who contract directly with the owner, and the term "subcontractor" shall include all such contractors, laborers, mechanics, and persons furnishing materials, who do not contract with the owner but with the general contractor. For the purpose of this chapter, a well shall be deemed a structure permanently annexed to the freehold.

CHAP. 499.—An ACT to amend and re-enact section 5205 of the Code of Virginia. [H B 170]

Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-two hundred and five of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 5205. Certificate of acknowledgment within the United States or its dependencies, upon which writings are admitted to record; who may make them.—Such court or clerk shall also admit any such writing to record as to any person whose name is signed thereto, upon the certificate of said clerk or his deputy, or of a justice of the peace, or a notary public, or a commissioner in chancery, or a clerk of any court of record within the United States or in the Philippine Islands, Porto Rico, or any territory or other dependency or possession of the United States, that such writing had been acknowledged before him by such person, which certificate shall be written upon or annexed to said writing to the following effect, to-wit:

I, \_\_\_\_\_\_\_, clerk (or, deputy clerk, or, a commissioner in chancery) of the \_\_\_\_\_\_\_ court (or, a justice of the peace, or, a notary public) for the county (or, corporation) aforesaid, in the State (or, territory, or, district) of \_\_\_\_\_\_, do certify that E. F. (or, E. F. and G. H., and so forth) whose name (or, names) is (or, are) signed to the writing above (or, hereto annexed) bearing date on the \_\_\_\_\_\_ day of \_\_\_\_\_\_, has (or, have) acknowledged the same before me in my county (or, corporation) aforesaid.

Given under my hand (and notarial seal, when seal is required to be used) this \_\_\_\_\_\_ day of \_\_\_\_\_\_

Or upon the certificate of acknowledgment of such person before any commissioner appointed by the governor, within the United States, so written or annexed, to the following effect, to-wit:

State (or, territory, or, district) of \_\_\_\_\_\_, o-wit:

I, \_\_\_\_\_\_\_, a commissioner appointed by the governor of the State of Virginia, for said State (or, territory, or, district) of \_\_\_\_\_\_, do certify that E. F. (or, E. F. and G. H., and so forth) whose name (or, names) is (or, are) signed to the writing above (or, hereto annexed) bearing date on the \_\_\_\_\_ day of \_\_\_\_\_\_, has (or, have) acknowledged the same before me in my State (or, territory), or, district) aforesaid.

Given under my hand and official seal this \_\_\_\_\_ day

Or upon the certificate of said clerk or his deputy, or of a justice of the peace, or a notary public, or a commissioner in chancery, or a clerk of any court of record within the United States, or in the Philippine Islands, Porto Rico, or any territory or other possession or dependency of the United States, or of a commissioner appointed by

the governor of Virginia, within the United States, that said writing was proved as to such person, before him, by two subscribing witnesses thereto, which certificate shall be written upon or annexed to said writing, and to the following effect, to-wit:

State (or territory, or district) of \_\_\_\_\_\_\_\_ county (or, corporation) of \_\_\_\_\_\_\_, to-wit: I, \_\_\_\_\_\_\_\_, clerk (or, deputy clerk, or, a commissioner in chancery) of the \_\_\_\_\_\_ court (or, a justice of the peace, or, a notary public) for the county (or, corporation) aforesaid, in the State (or, territory, or, district) of \_\_\_\_\_\_, (or, a commissioner appointed by the governor of the State of Virginia for said State, or territory, or district of \_\_\_\_\_\_) do certify that the execution of the writing above (or, hereto annexed) bearing date on the \_\_\_\_\_\_ day of \_\_\_\_\_\_, by A. B. (or, A. B. and C. D., and so forth), whose name (or, names) is (or, are) signed thereto, was proved before me in my county (or, corporation, or, State) aforesaid, by the evidence on oath of E. F. and G. H., subscribing witnesses to said writing.

Given under my hand (and official seal, when a seal is required to be used) this \_\_\_\_\_\_ day of \_\_\_\_\_\_.

Provided that such certificate of a notary public without the State shall have his notarial seal affixed thereto; and the certificate of a justice of the peace or a commissioner in chancery without the State shall have affixed thereto the certificate of the clerk of the court in which he qualified or by which he was appointed, under the seal of said court, to the effect that he is such officer as is described in such certificate; and the certificate of a clerk of a court without the State shall have affixed thereto the seal of his court.

CHAP. 500.—An ACT to amend and re-enact section 3555 of the Code of Virginia; and to repeal sections 3556, 3557, 3558, 3559, 3560 and 3561 of the Code of Virginia.

[H B 433]

Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-five hundred and fifty-five of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 3555. Division fences; by whom to be built and maintained; proceedings for the erection and repair thereof.—Adjoining land-owners shall build and maintain, and their joint and equal expense, division fences between their lands, unless one of them shall choose to let his land lie open as hereinafter provided for, or unless they shall otherwise agree between themselves.

Proceedings for the erection and repair of such fences shall be as follows:

(a) Where no division fence has been built, either one of the adjoining owners may give notice in writing of his desire and inten-

tion to build such fence to the owner of the adjoining land, or to his agent, and require him to come forward and build his half thereof. The owner so notified may, within ten days after receiving such notice, give notice in writing to the person so desiring to build such fence, or to his agent, of his intention to let his land lie open, in which event, and if the one giving the original notice shall build such division fence and the one who has so chosen to let his land lie open, or his successors in title, shall afterwards enclose it, he, or they, as the case may be, shall be liable to the one who built such fence, or to his successors in title, for one-half of the value of such fence at the time such land shall be so enclosed, and such fence shall thereafter be deemed a division fence between such lands.

- If, however, the person so notified shall fail to give notice of his intention to let his land lie open, as hereinabove provided, and shall fail to come forward within thirty days after being so notified, and build his half of such fence, he shall be liable to the person who builds the same for one-half of the expense thereof, and such fence shall thereafter be deemed a division fence between such lands.
- (b) When any fence which has been built and used by adjoining landowners as a division fence, or any fence which has been built by one, and the other afterwards required to pay half of the value, or expense thereof, under the provisions hereinbefore contained, and which has thereby become a division fence between such lands, shall become out of repair to the extent that it is no longer a lawful fence, either one of such adjoining landowners may give written notice to the other, or to his agent, of his desire and intention to repair such fence, and require him to come forward and repair his half thereof, and if he shall fail to do so within thirty days after being so notified, the one giving such notice may then repair the entire fence so as to make it a lawful fence, and the other shall be liable to him for one-half of the expense thereof.
- (c) Any sum which may be due and payable by one adjoining landowner to another in pursuance of any of the provisions hereof, may be recovered by motion, action or warrant, according to the amount.
- (d) No agreement made between adjoining landowners, with respect to the construction or maintenance of the division fence between their lands, shall be binding on their successors in title, unless it be in writing and specifically so state, and be recorded in the current deed book in the clerk's office of the county in which the land is situate, and properly indexed as deeds are required by law to be indexed.
- (e) Any notice herein provided to be given shall be given to the owner of the land, if he reside in the county in which the land lies; otherwise, it may be given to such person as, under the laws of Virginia, would be his agent; or to any person occupying such land as tenant of the owner, who shall, for the purposes of this act, be deemed the agent of such owner.



2. Sections thirty-five hundred and fifty-six, thirty-five hundred and fifty-seven, thirty-five hundred and fifty-eight, thirty-five hundred and fifty-nine, thirty-five hundred and sixty, and thirty-five hundred and sixty-one of the Code of Virginia, are hereby repealed.

CHAP. 501.—An ACT to amend and re-enact section 5121 of the Code of Virginia.

[H B 364]

Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-one hundred and twenty-one of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 5121. Election of widow to waive jointure and demand dower.—But if such conveyance or devise were before the marriage, without the assent in writing or during the infancy of the female, or if it were after marriage, in either case, the widow may, at her election, waive such jointure and demand her dower. Such election shall be made within one year after the death of the husband or within one year after the admission of his will to probate where the provision is by will, and shall be made in any court of record in the county or corporation in which the husband resided at the time of his death, or in the clerk's office of which the instrument creating the jointure is recorded, or by a writing recorded in such court, or in the clerk's office thereof, upon such acknowledgment or proof as would authorize a writing to be admitted to record under chapter two hundred and eleven; and when she shall elect and receive her dower, the estate so conveyed or devised to her shall cease and determine; provided, however, that if any such conveyance or will is of doubtful import as to the amount or value of the property the widow is to receive thereby or thereunder and a suit in equity is pending wherein the said conveyance or will will be construed in such respect, the court in which said suit is pending shall, within said year, on the application of said widow, if she so desires, enter an order extending the time within which she is to make such election for such additional period beyond such year as will allow the said widow a reasonable time, not exceeding six months, for making such election after a final order shall have been entered in said suit construing such conveyance or will in such respect, either by a trial court or any appellate court to which it may be appealed; and provided further, that said widow may, within such year, have the right to herself institute and maintain any such suit for the proper construction of said conveyance or will in such respect.

2. An emergency existing, this act shall be in force from its passage.

CHAP. 502.—An ACT to amend and re-enact section 5276 of the Code of Virginia, as amended by an act approved February 21, 1920. [H B 362]

## Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section fifty-two hundred and seventy-six of the Code of Virginia, as amended by an act approved February twenty-first, nineteen hundred and twenty, be amended and re-enacted so as to read as follows:

Sec. 5276. When and how benefits of will may be renounced and the effect thereof.—When any provision for a husband or a wife is made in the consort's will, the survivor may, within one year from the time of the admission of the will to probate, renounce such provision. Such renunciation shall be made either in person before the court in which the will is recorded, or by writing recorded in such court, or the clerk's office thereof, upon such acknowledgment or proof as would authorize a writing to be admitted to record under chapter two hundred and eleven. If such renunciation be made, or if no provision for the surviving husband or wife be made in the will of the decedent, the surviving consort shall, if the decedent left surviving issue of the marriage which was dissolved by the death of the consort or surviving issue of a former marriage, have one-third of the surplus of the decedent's personal estate mentioned in section fifty-two hundred and seventy-three; or if no such issue survive, the surviving consort shall have one-half of the aforesaid surplus; otherwise the surviving consort shall have no more of the said surplus than is given him or her by the will; provided, however, that if any such will is of a doubtful import as to the amount or value of the property the husband or wife of such consort is to receive thereby or thereunder and a suit in equity is pending wherein the said will will be construed in such respect, the court in which said suit is pending shall, within said year, on the application of such surviving husband or wife, if he or she, as the case may be, so desire, enter an order extending the time within which such survivor is to make such renunciation for such additional period beyond such year as will allow said survivor reasonable time, not exceeding six months, for making such renunciation after a final order shall have been entered in said suit construing such will in such respect, either by a trial court or any appellate court to which it may be appealed; and provided further, that such survivor may, within said year, have the right to institute and maintain any such suit for the proper construction of said will in such respect.

2. An emergency existing, this act shall be in force from its passage.

CHAP. 503.—An ACT to amend and re-enact section 5428 of the Code of Virginia.

[H B 307]

Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section five thousand four hundred and twenty-eight of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 5428. Court to examine reports and correct any errors; when confirmed to be recorded; vouchers, et cetera, to be returned to parties.—The court, after one month from the time the report may have been filed in its office, shall examine the same, with such exceptions thereto as may be filed, at any time before such examination. It shall correct any errors which shall appear on the exceptions, and any appearing on the face of the account, whether excepted to or not; and to this end may commit the report to the same or another commissioner, as often as it sees cause; or it may cause a jury to be empaneled to inquire into any matter which, in its opinion, should be ascertained in that way; or it may confirm the report in a whole or in a qualified manner, and shall certify in the order that it has made a personal examination of said reports, whether excepted to or not. The clerk shall record every report which may be so confirmed, and at the foot of it, the order of confirmation, in what is known as will books, and index the same according to the provisions of section thirty-three hundred and ninety-four.

Provided, however, that any such court may, in its discretion, by an order entered of record, direct that such accounts shall be returned to it upon uniform sheets of paper, of the grade prescribed by section three thousand three hundred and ninety-nine, in such dimensions and size as the court may prescribe, suitable and ready for binding, and in lieu of copying such reports in blank books, may direct the clerk to file and preserve the original accounts so returned, with the order of confirmation at the foot, in a temporary holder, and from time to time direct that the same be substantially bound under the supervision of the clerk into permanent books, each properly titled "fiduciary account book," serially numbered and properly indexed; for which service the clerk of any court adopting this method of recordation shall receive a fee of one dollar for each account.

Any vouchers or other evidence remaining with the commissioner at the time of such confirmation, and not wanting for any further matter of inquiry before him, shall be returned by him to the party who filed the same. CHAP 504.—An ACT to amend and re-enact section 3504 of the Code of Virginia. and to repeal section 3527 of the Code of 1887, as amended by chapter 392, Acts 1918, approved March 20, 1918. [H B 409]

## Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-five hundred and four of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 3504. Fees of attorneys for Commonwealth, clerks, et cetera.—Fees prescribed by law for services of attorneys for the Commonwealth, clerks of courts, and justices of the peace, and fees and mileage prescribed by law for sheriffs, deputy sheriffs, sergeants, deputy sergeants, constables, game wardens and all other law enforcement officers, whether regular or special, in all cases of felony, and in every prosecution for a misdemeanor, if not paid by the prosecutor, or in cases of conviction, by the defendant, and in cases where there is no prosecutor and the defendant shall be acquitted, or convicted and unable to pay the costs, shall be paid out of the State treasury, unless now or hereafter otherwise provided by law, when certified as prescribed by section forty-nine hundred and sixty-one of the Code, subject, however, to the following restrictions and limitations:

One-half the fee prescribed by law to the officers heretofore mentioned, except the attorney for the Commonwealth and clerk of court, who shall have the full fee; provided, however, in no case shall said fee be paid out of the State treasury unless the judge of the court allowing the account certify to the auditor of public accounts that he has actually examined the papers upon which the account is founded and is satisfied that warrant was issued, trial had, or examination made as shown in the account, and provided further, that in no case, either felony or misdemeanor, except it be a case in which the defendant was acquitted and no prosecutor was liable for payment of the costs, shall the account be allowed or said fee paid unless the judge of the court allowing the account certify to the auditor of public accounts that the execution required by section forty-nine hundred and sixty-four of the Code has been issued and proceeded with and return made thereon. In so far as this act relates to sheriffs, deputy sheriffs, sergeants, deputy sergeants, constables, game wardens and all other law enforcement officers, regular and special, not enumerated herein, it shall apply only to fees for making arrests, summoning witnesses and mileage.

2. Section thirty-five hundred and twenty-seven of the Code of eighteen hundred and eighty-seven, as amended by chapter three hundred and ninety-two, acts nineteen hundred and eighteen, approved March twenty, nineteen hundred and eighteen, is hereby repealed.

CHAP. 505.—An ACT to amend and re-enact sections 202 to 218, both inclusive, of the Code of Virginia, and to repeal sections 219 and 220 of the Code of Virginia.

[H B 369]

Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That sections two hundred and two to two hundred and eighteen, both inclusive, of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 202. Absent voter may vote.—Any voter, only when required by his regular business or habitual duties to be absent from the city, if in a city, or from the precinct, if in a county, in which

he is registered, may vote; provided,

Section 203. Letter of application for ballot, when and how forwarded.—He shall make application in writing for a ballot to the registrar of his precinct, not less than fifteen nor more than sixty days prior to the primary or general election in which he desires to vote, if he be within the confines of the United States, or not less than sixty days nor more than ninety days, if he be in the Philippines, Hawaii, Porto Rico, the Canal zone, or in touch with an American consulate in territory over which the United States has no jurisdiction. The application may be handed to the registrar in person, or forwarded to him by mail, and shall contain necessary postage, or the correct amount in legal tender, necessary for registering the ballot to him, and full directions for mailing the same. But the failure to enclose necessary postage shall not render void a vote otherwise legally cast.

Section 204. When voter out of jurisdiction of United States; how ballot to be sent; when in army or navy.—When the voter is not within the jurisdiction of the United States, the letter containing the ballot shall be directed in care of the nearest American consulate, and when in service of the army or navy, of his commanding officer.

Section 205. Duty of registrar on receipt of application.—The registrar, upon receipt of the application for ballot, if the applicant is duly registered in that precinct, shall enroll the name and address of the applicant on a list to be kept by him for the purpose, and forward to the applicant by registered mail the following, all of which shall be furnished by the electoral board:

(a) An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of postmaster" (or other person mentioned in section two hundred and eight).

(b) An envelope, for resealing the marked ballot, on which is printed the "voucher," form of which is hereinafter provided.

(c) A properly addressed envelope for the return of said ballot.

(d) A printed slip giving full instructions regarding the manner of marking of the ballot, in order that the same may be counted, and how prepared and returned.

(e) A "coupon," the form of which is hereinafter given.

Section 206. Form of voucher.—The "voucher" called for in section two hundred and five, and printed on the envelope in which the

ballot is to be sealed up after the same has been marked, shall be in the following form:

## Voucher.

This is to certify that the enclosed ballot was received by me as per my application to the registrar of \_\_\_\_\_ precinct, \_\_\_\_ county (or city), Virginia. The envelope marked "ballot within" was opened by me in the presence of \_\_\_\_\_, postmaster (or other person mentioned in section two hundred and eight, infra), of ... marked while in his presence and office

without assistance or knowledge on the part of anyone as to manner
in which same was prepared, and then and there sealed as provided
by law.
(Signed)
Teste:,
Postmaster.
(or other person designated in section two hundred and eight).
Section 207. Form of coupon.—The "coupon" called for in sec-
tion two hundred and six shall be in the following form:
Coupon.
Name (given by voter), color, height,
age (given by voter), color of hair, color of eyes
, weight (estimated), birthplace (given by voter)
, occupation (given by voter), State and precinct
where voter claimed to have last voted
To the best of my knowledge, the above information is correct,
and the applicant has complied with the requirements of the law

as above provided. I have no knowledge whatever of the marking, erasure, or intent of the ballot enclosed.

(Signed) \_\_\_\_\_

Postmaster.

(or other person mentioned in section two hundred and eight).

Section 208. Receipt, voting and return of ballot.—Upon receipt of the registered letter, forwarded by the registrar, the voter shall not open the sealed envelope, marked "ballot within," except in the presence of the postmaster, or his assistant, postal clerk, or rural letter carrier, and shall then and there mark and refold the ballot without assistance and without making known the manner of marking same. He shall then and there place the ballot in the envelope provided for the same, seal the same, and fill in and sign the voucher printed on the back of the envelope, in the presence of the postmaster or other person hereinabove provided, who shall witness the same in writing. This envelope, together with the coupon, which must be filled out and signed by the postmaster, or other person as herein provided, shall be enclosed within the envelope directed to the registrar, which shall then and there be sealed, registered, and mailed to the registrar.

Section 209. Voting by elector described in section two hundred and four.—An elector, receiving his ballot under the provisions of section two hundred and four, shall conform to all the requirements of the preceding section, except that the consul, or his assistant, if received at a consulate, or his commanding officer, or some commissioned officer designated by him, if in the army or navy, shall answer in all respects for, and perform all the duties required of the postmaster or his assistant or other officer mentioned in the preceding section; preserving, however, all the secrecy of the ballot as therein provided; and the same shall be registered and mailed by the first mail thereafter leaving said consulate, command or vessel.

Section 210. Ballots to be furnished by electoral board.—It shall be the duty of the electoral board of each county and city to furnish the registrar of each precinct with a sufficient number of official ballots, each properly sealed in an envelope marked "Ballot within. Do not open except in presence of postmaster" (or other person mentioned in section two hundred and eight), and take his receipt therefor. And it shall be the duty of the registrar to deliver to the judges of election on election day all unused ballots in their original sealed envelopes which remain in his possession, to be by them destroyed as are other unused ballots on that day.

Section 211. Deposit of return ballot by registrar.—Upon the receipt of the ballot from the voter, the registrar shall on the list kept by him, mentioned in section two hundred and five, write in ink, "Received ballot on \_\_\_\_\_\_ date" and shall file the coupon enclosed with the sealed ballot, with the letter of application, and deposit the envelope containing the ballot, unopened, in a sealed box to be provided for the purpose, and there it shall remain until the day of election.

Section 212. Names of applicants for ballots to be posted.—On the morning of the day of election on which the ballots are to be offered, the registrar shall post a true copy of the list required by sections two hundred and five and two hundred and eleven in a conspicuous place at the polling place of his precinct.

Section 213. Box containing ballots to be delivered to judge.—On the day of election the registrar shall deliver the box containing the sealed ballots together with the letters of application and their accompanying coupons enclosed in envelopes and the lists required by sections two hundred and five and two hundred and eleven to be kept by him, to the judges of election at his precinct, taking their receipt therefor.

Section 214. Opening box containing ballots.—At the close of the regular balloting, the box shall be opened by the judges of election, and the ballots deposited in regular ballot boxes as follows: As each envelope is removed from the box, the name of the voter is to be called and checked as if the voter were voting in person. If found entitled to cast his vote, the envelope is then, but not until then, opened, and the ballot deposited in the regular box without examining or unfolding it, and the name of the voter entered by the clerks on the poll books.

Section 215. Disposition of empty envelopes.—When all ballots have been accounted for and either voted or rejected, the empty

envelopes that previously contained the ballots are to be placed in an envelope with letters of application and coupons, and they, together with the rejected envelopes, if any, on which, or attached, shall be plainly written the cause of rejection, signed by a majority of the judges, shall be sealed up with the ballots cast at said election to be delivered as provided by law.

Section 216. Fees of registrar.—The registrar shall receive for each voter availing himself of the provisions of this chapter the same fee that he receives for registering a voter, and the compensation for posting notices shall also be governed by the general election laws.

Section 217. Penalties prescribed.—Any person attempting to aid or abet fraud in connection with any vote cast, or to be cast, under the provisions of this chapter, shall, upon conviction, be sentenced to the penitentiary for not less than one nor more than five years.

Any person attempting to vote by fraudulently signing the name

of a regularly qualified voter shall be guilty of forgery.

Any public official who knowingly violates any of the provisions of this chapter, and thereby aids in any way the illegal casting, or attempting to cast a vote, or who shall connive to nullify any provisions of this chapter in order that fraud may be perpetrated, shall forever be disqualified from holding office in the Commonwealth, and shall forever be disqualified from exercising the right of franchise.

Section 218. Chapter shall be liberally construed in favor of absent voter.—The provisions of this chapter shall be liberally con-

strued in favor of the absent voter.

2. That sections two hundred and nineteen and two hundred and twenty be, and the same are, hereby repealed.

CHAP. 506.—An ACT to amend and re-enact section 3246 of the Code of Virginia.

[H B 101]

Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-two hundred and forty-six of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 3246. License of dredges; limitations; application for license; numbers; registration; penalty; forfeiture.—The commission of fisheries shall, if in its judgment the police force is sufficient to protect the grounds in which dredging is hereinafter prohibited, authorize any resident of this State to take and catch oysters with dredges or scrapes in the Chesapeake bay; but this privilege shall not extend to Pocomoke sound, Hampton roads, Mobjack bay, or Tangier sound, or west of a line drawn from the lighthouse on Rappahannock spit to the lighthouse on Wolf Trap spit, or west of a line drawn from the lower end of Guinea marshes to York spit lighthouse, and thence to Back river lighthouse, or west of a line drawn through the Great Wicomico river lighthouse, thence to the east end of the east island of the Dameron's marshes; nor to any

inlet, creek, or river, nor to the mouth thereof, except the river Potomac and the following rocks in Tangier sound, to-wit; Johnson's rock, Thoroughfare rock, Fox's Island rock and the California rock; provided, that for the purposes of this section, the southern boundary of Pocomoke sound shall be a straight line running from Rogue's Island Beach buoy number two, to the south-east buoy on Watts Island Bar, but no dredging shall be permitted between the first day of April and the first day of November in any year. Any resident desiring to dredge or scrape for oysters in the waters where dredging is permitted shall make application in writing for such privilege to the inspector of the district in which he resides, which application shall be sworn to and shall plainly state the name of his vessel, the owner or owners thereof, the commander or person in charge and the length of vessel or gross tonnage at which it is rated. Such application shall further state the district in which the owner resides; that the applicant is a resident qualified under the requirements of this section; that no nonresident owns said vessel in whole or in part; and that it is not held with any intention or under any agreement to return it at any subsequent time to a nonresident. Upon being satisfied of these facts the inspector shall register such vessel and issue to such applicant a license granting him the privilege of dredging or scraping for oysters within the prescribed limits and season, which shall be plainly set forth in the license; and the inspector shall also furnish him two numbers, twenty-two inches long, in black paint on canvas or domestic, which shall be placed by the master or owner on the side, as hereinafter described; the number on his mainsail to be placed above the balance reef; that in the center of the sail, half way between the gaff and said reef; that on the jib, above the bonnet in center of jib and on the side opposite that of the mainsail. For such registration the applicant shall pay to the inspector a fee of one dollar; provided, only vessels operated wholly by sail shall be used for purposes of dredging or scraping for oysters on the public grounds of this Commonwealth or under the jurisdiction thereof; provided, that the commission of fisheries shall be empowered to revoke or deny to any person a license for the period of twelve months for a violation of the cull law by any person dredging or scraping; or for dredging or scraping, or attempting to dredge or scrape, without a license; or for resisting any office in he performance of his duties. Dredging or scraping in waters not prohibited by law, without having paid the tax and obtained the license provided for such purpose, shall be punishable by a fine of not less than twenty-five dollars nor more than two hundred dollars.

If any person take or catch oysters or clams with a dredge or scrape, or instrument other than ordinary or patent oyster tongs or by hand, in any of the public waters of the Commonwealth, except as provided by law, he shall be deemed guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than one year nor more than three years; or may be confined in jail

not exceeding one year and fined not less than one hundred nor more than one thousand dollars, either or both, in the discretion of the jury. In any prosecution for the violation of this section against the master or commander of a vessel or any of his crew or any person on board thereof, proof that said vessel was equipped with a chank, dredge or scrape shall be prima facie evidence of the violation of this section. Any vessel, boat or other craft, her tackle, apparel, anchors, cables, sails, rigging and appurtances, and any dredge, scrape or other instrument used in violating any of the provisions of this section shall, together with the cargo of such vessel, boat or craft, be condemned as forfeited to the Commonwealth in proceedings as provided for the enforcement of forfeitures.

CHAP. 507.—An ACT to amend and re-enact section 3181 of the Code of Virginia.

[H B 326]

Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and eighty-one of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 3181. Hauling seines and setting traps in the waters of Accomac and Northampton.-No person shall haul seines or set weirs or traps of any kind for the purpose of taking or catching fish in the waters of Accomac or Northampton counties at or within the mouth or inlet, or in any creek, stream or body of water, or in thoroughfares in said counties, between the fifteenth day of May and the first day of September in any year; but, it shall be lawful at any time except during the months of July and August to haul seines or set weirs or traps for the purpose of taking or catching fish on eastern or ocean side of Accomac and Northampton counties, provided the seines, weirs and traps shall not be of a smaller mesh than two inches, stretched measure. This section shall not apply to taking fish known as "fatback," nor be construed to prohibit the hauling of seines for family use in the waters of the north fork of Old Plantation creek in the jurisdiction of Northampton county, within the limits prescribed in chapter two hundred and eleven of the acts of eighteen hundred and seventy-six and seventy-seven, during the months of June, July and August, nor to interfere with the privilege of taking fish in Chesapeake bay. Any person violating the provisions of this section shall for each offense be fined not less than fifty dollars nor more than one hundred dollars, and upon conviction all seines, weirs and traps, boats and other appliances used in such violation shall be forfeited to the Commonwealth.

CHAP. 508.—An ACT to amend and re-enact section 3240 of the Code of Virginia, relative to the taking of oysters from natural rocks, etc.

[H B 269]

# Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-two hundred and forty of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 3240. Taking ovsters from natural rocks: closed season: penalty.—Hereafter it shall not be lawful for any person to take or catch oysters from any of the natural oyster beds, rocks or shoals in any of the waters of this Commonwealtoh, with tongs, or any other way, from the first day of May to the fifteenth day of September of each year; provided, that in all the waters of Virginia on the western side of the Chesapeake bay from Mobjack bay and its tributaries to the Potomac river (inclusive), the prohibited time shall be from the first day of April to the fifteenth day of September; and in James river and on the eastern or ocean side of Accomac and Northampton counties, the prohibited time shall be from the first day of June to the fifteenth day of September, and that in Broad bay, Long creek, Lickhorn bay, or in any of the tributaries thereof in the county of Princess Anne, the prohibited time shall be all the year, except the months of October and November, and that in the waters of Pocomoke sound the prohibited time shall be from the first day of April to the first day of October in each year. And if any person be found upon the natural rocks, beds or shoals of this Commonwealth during the prohibited season with tongs or other devices for taking or catching oysters, the same shall be prima facie evidence of the violation of this section by the person so found thereupon, unless such person possesses a license to take or catch clams or crabs with such tongs or other device during such prohibited season. And it shall not be lawful for any person to use or employ patent tongs for the purpose of taking or catching oysters or shells from the natural rocks, beds or shoals of the State at any time except during the months of October, November and December of each year, nor for any person to use patent tongs in the waters of the James, Nansemond, East or Piankatank rivers at any time. A person violating any provision of this section shall, upon conviction thereof, be fined not less than twenty-five dollars, nor more than one hundred dollars, and be confined in jail not less than ten days nor more than six months. This section shall not be construed as prohibiting the owner of planted oysters from working on or changing the location of said planted oysters or from shipping the same to market at any time at the option of the owner.

2. An emergency existing, this act shall be in force from its

passage.



CHAP. 509.—An ACT to amend and re-enact section 3160 of the Code of Virginia. [H B 384]

Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and sixty of the Code of Virginia, be amended and re-enacted so as to read as follows:

Sec. 3160. The commission of fisheries is hereby empowered to re-establish, relocate and remark all lines of the Baylor survey which cannot be otherwise relocated because of the loss or destruction of marks which heretofore existed. For the purpose aforesaid it shall have the right to employ surveyors, to examine witnesses and to make physical examinations of the grounds to be resurveyed after having first given notice of the time and place of such hearing or examination and of the ground or grounds, line or lines to be relocated, re-established or examined by an advertisement published once a week for two consecutive weeks in some newspaper published in the county in which such ground or grounds, line or lines are situated and by posting notices for at least two weeks at the front door of the court house of the county or counties in which said line or lines are located; if no newspaper is published in such county, then such notice shall be published in a newspaper published in the nearest county in which a paper is published.

From any finding of said commission relocating or re-establishing any such line or lines, ground or grounds any five or more citizens of the Commonwealth who think a mistake has been made in such relocation may by petition, filed within ninety (90) days from such finding, to the circuit court of the county in which such ground is situated, have a resurvey or a rehearing but the determination of the said circuit court shall be final. Should the petitioners prevail the cost of such rehearing shall be borne by the State and paid out of the oyster fund, but should such petitioners not prevail the cost shall be borne by them and they shall upon filing their petition give a bond in a penalty to be fixed by the court or judge thereof in vacation conditioned to pay all cost that may be awarded against them, such bond shall have sureties approved by the clerk of the court in which such petition is filed.

When such a ground or grounds, line or lines shall have been re-established and relocated, the same shall be taken and accepted as conclusive evidence in all courts of the Commonwealth that the grounds so ascertained to be natural oyster rocks, beds or shoals are such; and that all grounds lying outside of such boundaries are grounds open to rental under the laws of this State. Plats shall be made under the direction of the said commission showing the re-establishment of such lines and shall be recorded in the appropriate clerk's offices.

Said commission shall have authority to declare closed for certain periods those public oyster grounds which it decides should be given rest for recuperation or upon which the commission deposits seeds or shells or may otherwise cultivate.

CHAP. 510.—An ACT to amend and re-enact section 2726 of the Code of Virginia, as amended by an act approved March 10, 1920, entitled an act to amend section 2726 of the Code of Virginia. [S B 19]

## Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-seven hundred and twenty-six of the Code of Virginia, as amended by an act approved March tenth, nineteen hundred and twenty, entitled an act to amend section twenty-seven hundred and twenty-six, of the Code of Virginia, be amended and re-enacted so as to read as follows:

Section 2726. Providing temporary offices, insuring buildings, fixing allowances to officers.—The board shall have power to cause the county buildings to be insured in the name of the board of supervisors of said county and their successors in office, for the benefit of the county, if they deem it expedient; and if there are no public buildings, to provide temporary suitable rooms for the county purposes; to determine what annual allowances, payable out of the county treasury, shall be made severally to the sheriffs, county clerks, and attorneys for the Commonwealth of their respective counties: so that, in counties containing a population of ten thousand and less, the allowance to each of said officers shall not be less than three hundred dollars nor exceed six hundred dollars; in counties containing ten and less than fifteen thousand, not less than four hundred dollars nor more than seven hundred dollars; in counties containing fifteen and less than twenty thousand, not less than five hundred dollars nor more than eight hundred dollars; and in counties containing twenty and less than thirty thousand, not less than six hundred dollars nor more than nine hundred dollars; and in counties containing thirty thousand and less than forty thousand, not less than seven hundred dollars nor more than one thousand dollars; and in counties over forty thousand, not less than a thousand dollars nor more than fifteen hundred dollars; and in counties over fifty thousand, not less than twelve hundred dollars nor more than fifteen hundred dollars, except that the annual allowance to attorneys for the Commonwealth of their respective counties shall not be less, in any case, than four hundred dollars; and except, also, that in the county of Chesterfield the annual allowance, severally made, to the sheriff and Commonwealth attorney, shall not be less than eight hundred dollars nor more than one thousand dollars, and the annual allowance to the county clerk shall not be less than eight hundred dollars nor more than twelve hundred dollars; and in the county of Henrico the annual allowance, severally made, to the sheriff, county clerk and Commonwealth's attorney, shall not be less than nine hundred nor more than eighteen hundred dollars; and in the counties of Washington, Russell, Accomac, Scott, Buchanan, Dickenson, Tazewell, and Brunswick the annual allowance to the Commonwealth's attorney, county clerk and sheriff, shall not be less than one thousand nor more than

fifteen hundred dollars; and in the county of Wise the annual allowance, severally made, to the sheriff, county clerk and Commonwealth's attorney, shall not be less than twelve hundred dollars nor more than fifteen hundred dollars; and in the county of Orange, the annual allowance severally made to the county clerk and Commonwealth's attorney, shall not be less than six hundred nor more than nine hundred dollars, and the annual allowance to the sheriff shall not be less than nine hundred nor more than fifteen hundred dollars; and in the county of Elizabeth City the annual allowance to the county clerk shall not exceed eighteen hundred dollars and the annual allowance to the sheriff and Commonwealth's attorney shall not exceed twelve hundred dollars; and in the counties of Prince Edward, Greensville, Hanover, Caroline and Lee the annual allowance to the Commonwealth's attorney, county clerk and sheriff shall not be less than eight hundred nor more than twelve hundred dollars; and in the county of Mecklenburg the annual allowance to the Commonwealth's attorney, county clerk and sheriff shall not be less than twelve hundred dollars nor more than eighteen hundred dollars; and in the county of Rockingham the annual allowance to the Commonwealth's attorney shall not be less than one thousand nor more than fifteen hundred dollars, and to the sheriff not less than nine nor more than twelve hundred dollars; and in the counties of Nansemond, Southampton, Isle of Wight, Princess Anne, and Franklin the annual allowance to the Commonwealth's attorney, sheriff and county clerk shall not exceed twelve hundred dollars; and in the counties of Carroll, Patrick, and Montgomery the allowances severally made to the sheriffs shall not be less than eight hundred nor more than one thousand dollars, and the allowance to the county clerk and the Commonwealth's attorney shall not be less than seven hundred dollars nor more than twelve hundred dollars; and in the county of Floyd the annual allowance severally made to the county clerk, sheriff and Commonwealth's attorney shall not exceed five hundred dollars; and in the counties of Pulaski, Giles, Roanoke, Bedford, Henry, and Wythe the annual allowances severally to the sheriff, Commonwealth's attorney and county clerk shall not be less than seven hundred dollars nor more than twelve hundred dollars; and in the county of Bland, and in the county of Stafford, the annual allowance severally made to the Commonwealth's attorney, county clerk and sheriff shall not be less than four hundred nor more than eight hundred dollars; and in the county of Buckingham the annual allowances to the Commonwealth's attorney and sheriff shall not be less than eight nor more than twelve hundred dollars, and the annual allowance to the county clerk shall not be less than one thousand nor more than fifteen hundred dollars; and in the county of Cumberland, the annual allowances to the Commonwealth's attorney and sheriff shall not be less than six hundred nor more than one thousand dollars, and the annual allowance to the county clerk shall not be less than eight hundred nor more than fifteen hundred dollars; and in

the county of Appomattox, the annual allowance to the county clerk shall not be less than one thousand dollars nor more than fifteen hundred dollars, the annual allowance to the sheriff shall not be less than six hundred nor more than nine hundred dollars, and the annual allowance to the Commonwealth's attorney shall not be less than six hundred nor more than nine hundred dollars; and in the counties of Powhatan, Lancaster, Northumberland, Richmond, Westmoreland and King George, the annual allowances severally made to the sheriff and Commonwealth's attorney shall not be less than seven hundred dollars nor more than one thousand dollars, and the annual allowance to the county clerk shall not be less than seven hundred nor more than one thousand dollars; and in the county of Frederick the annual allowance to the Commonwealth's attorney shall not be less than six hundred nor more than nine hundred dollars; and in the county of Rockingham, the annual allowance to the sheriff shall not be less than eight hundred nor more than twelve hundred dollars; and in the counties of Middlesex, Mathews, Gloucester, and King William, the annual allowance to the county clerks and Commonwealth's attorneys shall not be less than five hundred nor more than seven hundred and fifty dollars; and in the county of Fauquier, the annual allowances, severally made to the sheriff, county clerk and Commonwealth's attorney shall not be less than one thousand nor more than fifteen hundred dollars; and in the county of Norfolk the annual allowance, severally made to the sheriff, county clerk and Commonwealth's attorney shall not be less than fifteen hundred nor more than twenty-five hundred dollars; and in the county of Page, the annual allowance, severally made to the county clerk, sheriff and Commonwealth's attorney shall not be less than seven hundred dollars nor more than one thousand dollars; and in the counties of Clarke and Warren, the annual allowance severally made to the clerks, sheriffs and Commonwealth's attorneys shall not be less than four hundred and fifty dollars nor more than seven hundred and fifty dollars; and in the county of Pittsylvania the annual allowance to the sheriff of said county not less than two thousand dollars, nor more than twenty-five hundred dollars; and in the counties of Charlotte and Alleghany the annual allowances severally made to the county clerk, sheriff and Commonwealth's attorney shall not be less than seven hundred dollars, nor more than fifteen hundred dollars; and in the county of Albemarle the annual allowance to the county clerk shall not be less than twelve hundred dollars nor more than fifteen hundred dollars, and the annual allowance to the Commonwealth's attorney shall not be less than twelve hundred dollars nor more than fifteen hundred dollars, and the annual allowance to the sheriff shall not be less than twelve hundred dollars nor more than fifteen hundred dollars; and in the county of Greene the annual allowances, severally made to the county clerk, Commonwealth's attorney and sheriff shall not be less than five hundred dollars nor more than eight hundred dollars, and in the counties of Fairfax, Charles

City, James City, New Kent, York and Warwick the annual allowances severally made to the county clerk, Commonwealth's attorney and sheriff shall not be less than six hundred dollars nor more than twelve hundred dollars; and in the counties of Prince William, Lunenburg, Nottoway, and Amelia the annual allowances severally made to the county clerk, the Commonwealth's attorney and the sheriff shall not be less than six hundred dollars nor more than one thousand dollars and in the county of Alexandria the annual allowances severally made to the Commonwealth's attorney and sheriff shall not be less than eight hundred dollars nor more than twelve hundred dollars, and the annual allowance to the county clerk shall not be less than four hundred dollars nor more than one thousand dollars; and in the counties of Essex and King and Queen the annual allowance to the county clerks and Commonwealth's attorneys shall not be less than five hundred nor more than seven hundred and fifty dollars; and in the counties of Craig, Bath and Highland the annual allowance to the county clerks, Commonwealth's attorneys and sheriffs shall not be less than five hundred nor more than seven hundred and fifty dollars; and in the counties of Fluvanna and Goochland the annual allowance to the county clerk, sheriff and Commonwealth's attorney severally shall not be less than five hundred nor more than fifteen hundred dollars, and in the county of Grayson the annual allowances severally to the sheriff, clerk and Commonwealth's attorney shall be not less than six hundred dollars nor more than eight hundred dollars, and in the county of Madison, the annual allowance to the sheriff and Commonwealth's attorney shall be not less than five hundred nor more than eight hundred dollars, and the annual allowance to the county clerk shall be not less than seven hundred and fifty nor more than nine hundred dollars; and in the county of Augusta the annual allowance to the Commonwealth's attorney shall not be less than fifteen hundred dollars nor more than two thousand dollars.

CHAP. 511.—An ACT to amend and re-enact section 4067 of the Code of Virginia, and to repeal an act entitled an act to amend and re-enact section 2 of an act entitled an act, imposing public duties on heat, light, power, water and telephone companies and providing for the control and regulation of such companies by the State Corporation Commission, which was approved March 27, 1914, as heretofore amended, approved March 15, 1918.

[S B 374]

Approved March 28, 1922.

<sup>1.</sup> Be it enacted by the general assembly of Virginia, That section four thousand and sixty-seven, as amended by an act approved March fifteenth, nineteen hundred and eighteen, entitled an act to amend and re-enact section two of an act of the general assembly of Virginia, entitled an act imposing public duties on heat, light, power, water and telephone companies and providing for control and regulation of such companies by the State corporation commission,

which was approved March twenty-seventh, nineteen hundred and fourteen, be amended and re-enacted so as to read as follows:

Sec. 2 Public utility defined.—The term "public utility" as used in this act shall mean and embrace every corporation, other than a municipality, company, individual, or association of individuals, their lessees, trustees, or receivers, appointed by any court whatsoever, that now or hereafter may own, manage or control any plant or equipment or any part of a plant or equipment within the State for the conveyance of telephone messages or for the production, transmission, delivery, or furnishing of heat, light, power, or water, either directly or indirectly, to or for the public.

Provided the term "public utility" as herein defined, shall not be construed to include any hotel or corporation whose principal business is the operation of a hotel and which may supply heat, light, water or power to a limited number of patrons out of its temporary surplus, nor to individual plants which furnish lights or electrical current or other power to inhabitants of towns or territory adjacent thereto in which operatives or employees of such plants live, provided

no public utility operates in such town or territory.

2. All acts and parts of acts in conflict with this act are hereby repealed.

CHAP. 512.—An ACT licensing the taking or catching of scallops with scrapes from the public grounds of the Commonwealth, and providing for the designation of public scallop grounds. [S B 402]

# Approved March 28, 1922.

- 1. Be it enacted by the general assembly of Virginia, That it shall be lawful for any person to take or catch scallops with scrapes from the public grounds of the Commonwealth between January first and June first of each year, upon the payment to the inspector of the district in which he resides of a license tax of two dollars per year, and an inspector's fee of fifty cents. The inspector shall furnish each such licensee with a metal ring having an inside measurement of two and one-quarter inches, and it shall be unlawful for any person to take or catch scallops of a size smaller than two and one-quarter inches, measuring across the widest part thereof.
- 2. Any ground in the waters of this Commonwealth not assigned to anyone for planting or bath purposes may, on application of twenty or more citizens to the oyster inspector of the district in which the land lies, be laid off and designated as public scallop grounds; or the commission of fisheries may do so without such petition if in its judgment it is expedient, provided in the opinion of the said commission no oyster interests will suffer thereby, and the scallops are of sufficient quantity for a person to realize at least one and one-half dollars per day catching and taking scallops from said ground, and, if laid off, the commission of fisheries shall have

the metes and bounds of said ground accurately designated by proper and suitable stakes, and also have a plat made of same, to be recorded in the clerk's office of the county wherein the ground lies, all costs of surveying, platting and recording to be paid by the applicants; and said grounds shall be set apart and remain as public scallop grounds for the common use of the citizens of this State so long as the said commission may deem best, and shall not be assigned to anyone during such period.

3. Any person violating any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than twenty-five dollars, nor more than one hundred dollars, and be confined in jail not less than ten days nor more than six months.

CHAP. 513.—An ACT to amend and re-enact an act to provide for the issuing of county bonds for permanent road or bridge improvement, in the magisterial districts of the counties of the State, and repealing all acts in so far as the same are in conflict herewith, approved September 5, 1919.

[S B 367]

## Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That bonds may be issued by any county for the purpose of macadamizing or otherwise permanently improving the public roads and bridges of any magisterial or road district in said county upon the conditions hereinafter provided. The circuit court of the county, or the judge thereof in vacation, upon the petition of a majority of the board of supervisors of said county, or upon petition of fifty qualified voters of said district, shall make an order requiring the judges of elections. at the next session of county officers or at any other time not less than thirty days from the date of such order, which shall be designated therein, to open a poll and take the sense of the qualified voters of the district on the question whether the board of supervisors shall issue bonds for said purposes, or either of them; the approximate location, length, and width of such roads as is proposed to be macadamized or permanently improved to be named in the order. But no election shall be ordered until after the court, or the judge thereof in vacation, has been assured by the State highway commission, or his representative, that the amount of bonds proposed to be issued will be approximately sufficient to improve the roads set out in the order, the estimated cost of each road, or part thereof, to be set out in the order of the court, for expenditure solely on said road or part thereof. The said order shall designate the magisterial district or districts in which such road or roads lie, and the maximum amount of bonds to be issued, which shall in no case exceed an amount in excess of fifteen (15) per centum of the total taxable value, not including intangible personalty, at the time in the magisterial district in which the road or roads are to be built or permanently improved.

2. The regular election officers of said county in and for the



said district or districts, at the time designated in the order authorizing the vote, shall open polls at the various voting places in the said district or districts, and shall conduct such election and close the polls in such manner as is provided by the law in other elections; and at said election, each qualified voter who shall approve such issue of bonds shall deposit a ticket or ballot on which shall be written or printed the words "for bond issue," and each qualified voter who shall oppose such issue of bonds shall deposit a ticket or ballot whereon shall be written or printed the words "against bond issue." The judges of election at the several voting places shall immediately after the closing of the polls at each of the said places count the ballots deposited, and shall, within two days after said election, make return thereof as is provided in other elections. Said ballots shall be printed and furnished by the regular election officers.

- 3. The commissioners of election of said county shall, within two days after the judges of election have made return of the poll books and ballots as aforesaid, meet at the office of said clerk, and, having taken an oath before him faithfully to discharge their duties, canvass the returns and certify the results thereof to the circuit court.
- 4. If it shall appear by the report of the commissioner that a majority of the qualified voters of the district or districts in which the road or roads are to be built or permanently improved voting on the questions, or on either of them, are in favor of issuing the bonds for the purpose aforesaid, the circuit court, or the judge thereof in vacation, shall, at its next term, enter of record an order requiring the supervisors of the county to proceed at their next meeting to carry out the wishes of the voters as expressed at the said election.
- 5. Whenever the sense of the qualified voters of any district or districts shall be taken on the question, the board of supervisors of the said county shall issue bonds for the purposes aforesaid, the said election and returns shall be subject to the inquiry, determination and judgment of the circuit court of the county in which said election was held, upon the written complaint of twenty-five or more of the qualified voters of such county, of an undue election or false returns, two of whom shall take an oath that facts set forth in such complaint are true to the best of their knowledge and belief, and the court shall in judging of such election and returns, proceed upon the merits thereof and determine concerning the same according to the Constitution and laws of this State, but such complaint shall not be valid unless it shall have been filed within thirty days after said election in the clerk's office of the said circuit court. The board of supervisors of such county shall be made a defendant by summons or notice to its chairman of the filing of the complaint, and after such service of notice on the chairman of the board of supervisors, either party, upon reasonable notice of the other, shall be at liberty to take depositions to sustain or invalidate such election. Service of notice on any three of the complainants shall be sufficient.

court shall proceed at its next term after such service of summons or notice to determine the contest without a jury on the evidence oral or written, unless good cause be shown for a continuance, and shall make a proper record of its judgment. If the judgment be that the election was a valid one in favor of the issuing of bonds for permanent road improvement in said district or districts, or either of them, the court shall make an order in conformity with the preceding section.

The board of supervisors at their meeting or as soon thereafter as practicable, shall determine what amount of bonds for road improvement in said district or districts, not exceeding the maximum aforesaid, and in event they do not at said meeting direct the present issuing of all the said bonds, they may thereafter, from time to time, direct the residue thereof to be issued to carry out the wishes of the voters, so far as necessary, as expressed in such election, and in event the board, for any reason, fails or refuses to issue the bonds so authorized to be issued, the circuit court of the county may, upon the complaint of ten qualified voters of the county and after ten days' notice to the chairman of the board, for cause known, issue an order directing them to issue the said bonds or any unissued residue thereof, or such portion thereof as the court may, from time to time, deem proper to be issued in order to enable the proper road authorities to carry out the wishes of the voters as expressed in said election. And this remedy shall apply to any bond issue heretofore or hereafter authorized by voters of any district or districts. They shall have the power to appoint agent or agents to sell said bonds (and to pay said agent or agents a commission for negotiating said sale not to exceed three per centum of the amount of bonds sold by them, or to pay such sum to the purchaser of such bonds, provided that said bonds shall be sold to be paid for in lawful money only, and shall not be sold at less than par value). When such a sale of bonds has been negotiated, the board of supervisors shall issue the same. Such bonds may be either registered or with coupons attached, as said board of supervisors may prescribe, and shall have written or printed in ink the following sentences: "These bonds are issued for road improvement in \_\_\_\_\_\_ magisterial district, but the full faith and credit of the entire county of \_\_\_\_\_ is hereby pledged for their payment." Such bonds shall be signed by the chairman and countersigned by the clerk thereof under the seal of the board; shall be in denomination of one hundred dollars or some multiple thereof; shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, both principal and interest to be payable at such place or places as may be determined by the board of supervisors, and shall be payable not exceeding thirty-four years from the date thereof at said office, but may, in the discretion of the said board, be made redeemable at such time or times within such period or periods and upon such notice as the said board may prescribe and stipulate

upon the face of the bonds when issued. The board shall deliver them to the treasurer of the county, who shall deliver said bonds to the purchasers thereof, or their order, upon the payment of the price thereof. The said treasurer and his sureties shall be liable for the amount received for said bonds as though it were a county levy, and said funds shall be expended for the purposes and in the magisterial district or districts for which it was intended, and none other. The said treasurer shall receive as compensation for his services hereunder one-eighth of one per centum of the amount thus coming into his hands, and also the reasonable cost to him giving surety on such additional bond or bonds as may be required of him, if any, on account of his receipts heretofore or hereafter of said funds, and the board of supervisors of such county may direct the treasurer to deposit the proceeds of said bond issue in such bank or banks as it may approve, to the credit of the said treasurer, to be paid out on his checks therefor, and at the rate of interest to be specified, and all interest accrued therefrom shall be accounted for by said treasurer and be expended for the purposes of the said road improvement, and in so far as not necessary for said road improvement, shall be covered into the sinking fund for the payment of the principal of said bonds as provided in section seven.

7. After the order of the board of supervisors has been made under section four hereof, when the next levy is laid or tax imposed in said county, a special tax shall be levied on all property liable to county or district road tax in such magisterial district in which the proceeds of the bonds have been or are to be expended, including such property located or the situs of which for taxation is within the limits of any incorporated town situated within such district, sufficient to pay the interest on the bonds so issued, or to be issued, and to create a sinking fund to redeem the principal thereof at maturity; and, in addition, an annual levy at a rate to yield a sum not less than three per centum of the amount of bonds issued, or in lieu thereof, an amount equal to the amount raised from said additional levy may be set aside by the board of supervisors from other funds of the county, or may be raised by other means now provided for by law, which sum shall be expended under the direction of the local road authorities in the maintenance and upkeep of the roads constructed and improved hereunder, and from year to year said levy or assessment shall be made until the debt and interest are paid. provided, however, that the interest and sinking fund tax provided for herein shall not be construed in the meaning of this act to be a county road tax, and provided further that no tax upon intangible personal property for road construction and for maintenance shall exceed thirty cents on the one hundred dollars of valuation.

Bonds issued or to be issued under this act are county obligations, but payable primarily out of levies upon the property in the magisterial district, where the proceeds of the bonds may be expended hereunder.

The board of supervisors is hereby authorized and empowered to apply any part or all of said sinking fund to the payment, if redeemable by their terms, or to the purchase of any of said bonds, at any time, and all bonds so paid off or purchased by said board of supervisors shall be immediately cancelled, and shall be reissued, and the board of supervisors is authorized and empowered to lend out, upon real estate security, the loan not to exceed fifty per centum of the assessed value of such real estate, or deposit in bank at interest all accumulations of money to the credit of said sinking fund and taxes for road construction and maintenance herein authorized: and to collect and reinvest the same and the interest accruing thereon from time to time, so often as may be necessary or expedient, until such bonds become subject to call; provided, that no money to credit of said sinking fund shall be loaned out or deposited or invested by the said board of supervisors, unless said loan, deposit or investment shall be first approved by the circuit court of said county, or the judge thereof in vacation, and the form of the security be examined and approved by the Commonwealth's attorney of said county, which approval shall be entered of record in the order book of said court.

The treasurer shall not be liable for any funds herein provided for that shall be lost while on deposit made by order of the board of supervisors with any bank or banks, or when invested in any real estate security as provided herein, but the board of supervisors may require of any such bank a bond, with corporate or other surety, to secure such deposit.

8. When the said county wishes to redeem any of its outstanding bonds subject to call, issued under the provisions of this act, it may, through the chairman of the board of supervisors, give notice of its readiness to do so to the holder in person or by publication there-of once a week for two successive weeks in a newspaper published in said county or nearest thereto. It shall be sufficient in the notice to give the number and amount of such bond, and fix a day for its presentation for payment, which shall not be less than ten days from the date of personal service of notice, or the completion of the publication thereof, as the case may be.

If the bond be not presented on the day fixed for its redemption,

interest thereon shall cease from that day.

9. The board of supervisors or local county road board, if there be one, of the county shall apply to the State highway commissioner, for, or shall employ, a competent road engineer, whose selection shall be approved by the State highway commissioner, to make plans and specifications of all roads or bridges to be built or permanently improved from the proceeds of such bond issue, and to supervise the building of the same, and shall let the work to contracts to the lowest responsible bidder after due public access to the specifications and due public advertisement for bids for at least two consecutive weeks in a newspaper having a general circulation in such county, and in such publication as the State highway commissioner may deem



proper, if any, for the furnishing of all material and for the construction of such road according to such plans and specifications, and such State highway commissioner and the board of supervisors, or local county board, if there be one, acting jointly, may award such contract to the lowest responsible bidder. Such commissioner and board of supervisors, or local county road board, if there be one, may reject any and all bids, and before entering into any contract with any bidder they shall require a bond in the penalty of at least thirty per centum of the contract price, with sufficient security conditioned that if the proposal shall be accepted the contractor will furnish the material and perform the work upon the terms proposed, within the time prescribed and in accordance with the plans and specifications; partial payments may be provided for in the contract and paid in the manner herein provided when certified to by such commissioner or road engineer approved by him to an amount not exceeding ninety per centum of the value of the work done, and ten per centum of the contract price shall be retained until ninety days after the entire work has been accepted and opened to the public. The said contractor shall conform to all reasonable regulations and directions of the said highway commissioner or road engineer. The board of supervisors, or local road board, if there be one, shall have no power or authority to expend the money derived from the bond sales as aforesaid except to pay for materials furnished and work done under the supervision provided for in this act.

10. The board of supervisors or local county road board, if there be one, and the State highway commissioner, acting jointly, in their discretion, may authorize the purchase of the necessary machinery and supplies and build or permanently improve such roads on account of the magisterial district making the bond issue authorized in this act; provided, however, that such work shall be done under the same supervision as is provided in case the work is done by contract.

11. No election upon the question of the issuance of bonds under this act shall be held oftener than once in one year for the same

magisterial district.

12. All acts and parts of acts in so far as the same are in conflict herewith, are hereby repealed; provided, that this act shall not affect the existing law where in any proposed bond issue for county or magisterial district application has been made for an election thereon as provided for in the existing law.

13. Notwithstanding the invalidity of any phrase or clauses or parts thereof in this act, the remainder of the act shall be unofficial thereby and such invalid portions shall be regarded as forming no

part of the act.

14. That an act approved September fifth, nineteen hundred and nineteen, entitled an act to amend and re-enact an act to provide for the issuing of county bonds for permanent road or bridge improvement in the magisterial districts of the counties of the State, and repealing all acts in so far as the same are in conflict herewith,



be, and the same is hereby, amended and re-enacted in the words of this act and so as to read in accordance with the same.

15. By reason of the necessity for issuing of bonds in several magisterial districts of the counties of the State in order to properly carry on county highway work, an emergency is hereby declared to exist, and this act shall be in force from its passage.

CHAP. 514.—An ACT to amend and re-enact section 4235 of the Code of Virginia.

[S B 304]

Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section forty-two hundred and thirty-five of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 4235. Insurance companies to file list of agents; registration of agents; fine for soliciting insurance without registration.—Every insurance company, except fraternal beneficiary associations, orders or societies, doing business in this State shall file annually with the commissioner of insurance, on or before the first day of July, and at such other times as they may be appointed, a list of the agents of said company authorized to solicit insurance for it in the State of Virginia, and each such agent shall be required to secure a certificate of registration from said commissioner of insurance, for each company proposed to be represented by him, authorizing him to represent said company for a period ending on the fifteenth day of July of each year, the fee for said registration shall be one dollar per annum; but the commissioner of insurance may, for good cause, refuse to register such agent, or may, at any time that it may come to his knowledge that any agent has misappropriated any premium entrusted to him, or has failed to apply said premium as directed by the policyholder or prospective policyholder, or has been guilty of rebating, twisting the policies of other companies, or misrepresenting the provisions of the policy he is selling, or of the policies of other companies, or has violated any of the provisions of section forty-two hundred and twenty-two of the Code of Virginia, revoke or suspend the certificate of registration of said agent. The commissioner of insurance may summon witnesses against any agent accused of wrongdoing, and any registered agent may have a hearing before the commissioner of insurance on any charge brought against him and may introduce evidence in his behalf; but if the commissioner of insurance revokes or suspends the certificate of registration of any agent, then such agent can, as a matter of right, appeal from such decision to the State corporation commission and such appeal shall be informal and heard at once.

The certificate of registration shall state the date on which it was issued, the name of the agent, and his address, and the name of the company represented by him, and shall extend only to the individual mentioned in it, and not to any clerk or employee of said agent.

Digitized by Google

Before the commissioner of insurance shall issue a certificate of registration to any person who has not heretofore received such a certificate, he shall require the company desiring to appoint such person as its agent to solicit insurance for it in this State, to certify by an executive officer or managing agent thereof, that such company has duly investigated the character and record of such person, and satisfied itself that he is trustworthy to act as its agent and intends to act in good faith as an insurance agent.

Any person soliciting or producing applications for any insurance company authorized to do business in this State without having first procured a certificate of registration as hereinbefore prescribed shall be subject to a fine of not less than ten dollars nor more than one hundred dollars

This section shall not apply to mutual fire insurance companies conducting business exclusively in this State and on a strictly mutual plan which pays its losses wholly from assessments upon its members and makes no division or distribution of its earnings or profits among its members.

The fees provided for in this section shall be collected by the commissioner of insurance and shall be paid into the treasury of the Commonwealth as provided in section forty-one hundred and ninety-seven, and placed by the auditor of public accounts to the credit of the fund for the maintenance of the bureau of insurance.

CHAP. 515.—An ACT to amend and re-enact section 2110 of the Code of Virginia, as amended by chapter 402, Acts of Assembly 1920, and to amend and re-enact sections 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121 and 2122 of the Code of Virginia, in relation to county bonds for road and bridge construction and improvement, and to repeal all acts in so far as the same are in conflict. [S B 195]

#### Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-one hundred and ten of the Code of Virginia, as amended by chapter four hundred and two, acts of assembly, nineteen hundred and twenty, and also sections twenty-one hundred and eleven, twenty-one hundred and twelve, twenty-one hundred and thirteen, twenty-one hundred and fourteen, twenty-one hundred and sixteen, twenty-one hundred and seventeen, twenty-one hundred and eighteen, twenty-one hundred and nineteen, twenty-one hundred and twenty-one hundred and twenty-one and twenty-one hundred and twenty-one and twenty-one hundred and tre-enacted so as to read as follows:

Sec. 2110. Circuit court to order election upon petition; time of election; what the order must show.—Bonds may be issued by any county for the purpose of constructing, macadamizing or otherwise permanently improving the public roads and for building bridges therein, upon the conditions hereinafter provided.

The circuit court of the county, or the judge thereof in vacation. upon the petition of a majority of the board of supervisors of said county, or upon the petition of one hundred and fifty freeholders of said county, shall make an order, requiring the judges of election at the next regular election, or at any other time not less than thirty days from the date of such order, which shall be designated therein, to open a poll and take the sense of the qualified voters of the county on the question whether the board of supervisors shall issue bonds for said purposes or either of them; the approximate location, length and width of such roads as is proposed to be constructed, macadamized or permanently improved to be named in the order. But no election shall be ordered until the State highway commissioner, or his representative, shall report to the court that the amount of bonds proposed to be issued will be approximately sufficient to construct or improve the road set out in the order. The estimated cost of each road, or part thereof, shall be set out in the order of the court for expenditures solely on said road or part thereof, and said order shall also designate the location of such roads as are to be constructed or improved, and of such bridges as are to be built, and the maximum amount of bonds to be issued, which shall, including all bonds previously issued and remaining unpaid, in no case exceed an amount in excess of ten per centum of the total taxable values at the time of the county in which the road or roads and bridge or bridges are to be built or permanently improved, not including intangible personalty; but in the county of Mathews such bonds may be issued to an amount not in excess of fifteen per centum of the total taxable values at the time of the said county.

Sec. 2111. Who can vote at such election.—When an election for the purpose of issuing bonds is held at any other time than at a regular election, the qualified voters at any such special election shall be the same as those provided by general law for special elections, and when held at a regular election, the qualification of voters shall be the same as those who can vote at such regular election.

The qualified voters in any incorporated town situated in any county shall be entitled to vote at any such election if otherwise

qualified.

Sec. 2112. Duty of election officers; voting; duty of the judges.—The regular election officers of said county at the time designated in the order authorizing the vote, shall open polls at the various voting places in the said county, including the polls at the voting places in the incorporated towns located within such county, and shall conduct such election and close the polls in such manner as is provided by law in other elections; and at said election each qualified voter who shall approve such issue of bonds shall deposit a ticket or ballot on which shall be written or printed the words, "For bond issue," and each qualified voter who shall oppose such issue of bonds shall deposit a ticket or ballot whereon shall be written or printed, "Against bond issue." The ballots to be used in such election shall

be printed and furnished by the county election officials as in regular elections.

The judges of election at the several voting places shall, immediately after the closing of the polls at each of the said places, count the ballots deposited and shall within two days after said election make returns thereof, as is provided in other elections.

Sec. 2113. Duty of commissioners of election.—The commissioners of election of said county shall, within two days after the judges of election have made returns of the poll books and ballots as aforesaid, meet at the office of said clerk and, having taken an oath before him faithfully to discharge their duties, canvass the returns and certify the results thereof to the circuit court.

Sec. 2114. Results of the election.—If it shall appear by the report of the commissioners that a majority of the qualified voters of the county voting upon the question is in favor of issuing the bonds for the purpose aforesaid, the circuit court, or the judge thereof in vacation, shall at its next term enter of record an order requiring the supervisors of the county to proceed at their next meeting to carry out the wishes of the voters as expressed at the said election.

Sec. 2115. Contested election; how complaint filed; proceedings.—Whenever the sense of the qualified voters of the said county shall be taken on the question whether the board of supervisors shall issue bonds for the purpose aforesaid, the said election and returns shall be subject to the enquiry, determination and judgment of the circuit court of the county in which such election was held, upon the written complaint of twenty-five or more of the qualified electors of such county of an undue election or false returns, two of whom shall take an oath that facts set forth in such complaint are true to the best of their knowledge and belief, and the court shall, in judging of such election and returns, proceed upon the merits thereof and determine concerning the same according to the Constitution and laws of this State; and such complaint shall not be valid unless it shall have been filed within thirty days after the said election in the clerk's office of the said circuit court.

The board of supervisors shall be made a defendant by summons or notice to its chairman of the filing of the complaint, and after such service of notice on the chairman of the board of supervisors, either party, upon reasonable notice to the other, shall be at liberty to take depositions to sustain or invalidate such election. Service of notice on any three of the complainants shall be sufficient. The court shall proceed at its next term after service of such summons or notice to determine the contest without a jury on the evidence, oral or written, unless good cause be shown for a continuance, and shall make a proper record of its judgment. If the judgment be that the election is a valid one, in favor of issuing bonds, the court shall make an order in conformity with the preceding section.

Sec. 2116. Duty and powers of the supervisors; bonds must be sold not lower than par; issuance of bonds.—The board of supervisors at their meeting, or as soon thereafter as practicable, shall

determine what amount of bonds, not exceeding the maximum aforesaid, shall be issued, and shall enter of record the amount so determined. They shall have power to appoint an agent or agents to negotiate a loan or loans, or to sell said bonds, and to pay said agent or agents a commission for negotiating said sale not to exceed three per centum of the amount of bonds sold by them, or to pay such sum to the purchaser of said bonds, provided that said bonds shall be sold to be paid for in lawful money only, and shall not be sold at less than par value. When such a loan has been negotiated, or bonds sold, the board of supervisors shall issue said bonds, which may be registered or with coupons attached, as the board of supervisors may prescribe; said bonds shall be signed by the chairman and countersigned by the clerk thereof; shall be in denominations of one hundred dollars, or some multiple thereof, shall bear interest at the rate not exceeding six per centum, payable semi-annually, both principal and interest to be payable at such place or places as may be determined by the board of supervisors, and shall be payable not exceeding thirty-four years from the date thereof, but may, in the discretion of said board, be made redeemable at such time or times, within such period or periods, as the said board may prescribe and stipulate upon the face of the bonds when issued. The board shall deliver them to the treasurer of the county, who shall deliver said bonds upon the payment of the price thereof. The said treasurer and his sureties shall be liable for the amount received for said bonds as though it were a county levy, and said funds shall be expended for the purposes for which they were intended and none other. The board of supervisors may direct the treasurer to deposit the proceeds of said bond issue in such bank or banks as it may approve, to the credit of the said treasurer, to be paid out on his checks therefor. and at the rate of interest to be specified, and all interest accrued therefrom shall be accounted for by said treasurer and be expended for the purposes of the said road improvement, and, in so far as not necessary for said road improvement, shall be covered into the sinking fund for the payment of the principal of said bonds.

Sec. 2117. To lay levy for redemption of bonds and upkeep of roads.—After the order of the board of supervisors has been made under section twenty-one hundred and fourteen hereof, when the next levy is made or tax imposed in said county, a special tax shall be levied on all property liable to county and district tax in said county including such property located in, or the situs of which, for purposes of taxation, is within the limit of any incorporated town situated within such county, sufficient to pay interest on the bonds so issued or to be issued, and to create a sinking fund to redeem the principal thereof at maturity; and in addition an annual levy at a rate to yield a sum not less than three per centum on the amount of bonds issued, or in lieu thereof, an amount equal to the amount raised from said additional levy may be raised by other means now provided for by law, or which may hereafter be provided by law, which sum shall be expended under the direction of the

State highway commissioner and of the local road authorities in the maintenance and upkeep of the roads constructed and improved hereunder, and from year to year said levy or assessment shall be made until the debt and interest are paid; and provided, further, that no tax upon intangible personal property for any of the purposes of this section shall be levied.

Sec. 2118. For what purpose sinking fund shall be used; bonds not to be reissued.—The board of supervisors is authorized and empowered to apply any part or all of said sinking fund to the payment, if redeemable by their terms, or to the purchase of any of said bonds at any time, and all bonds so paid off or purchased by said board of supervisors shall be immediately cancelled, and shall not be reissued, and the board of supervisors is authorized and empowered to lend out, upon real estate security, the loan not to exceed fifty per centum of the assessed value of such real estate, or deposit in bank at interest, all accumulations of money to the credit of said sinking fund and taxes for road construction and maintenance herein authorized, and to collect and reinvest the same and the interest accruing thereon from time to time, so often as may be necessary or expedient, until such bonds shall become subject to call; but no money to the credit of said sinking fund shall be loaned out or deposited or invested by the said board of supervisors unless said loan, deposit or investment shall be first approved by the circuit court of said county, or the judge thereof in vacation, and the form of the security be examined and approved by the Commonwealth's attorney of said county, which approval shall be entered of record in the law order book of said court.

The amount levied and set apart as a sinking fund and the interest accruing thereon shall be used for the payment of the prin-

cipal of said bonds and for no other purpose.

The treasurer shall not be liable for any fund herein provided for that shall be lost while on deposit made by order of the board of supervisors with any bank or banks, or when invested in any real estate security as provided herein, but the board of supervisors may require of any such bank a bond, with a corporate or other surety, to secure such deposit.

Sec. 2119. Notice of redemption of bonds.—When the said county wishes to redeem any of its outstanding bonds, subject to call, issued under the provisions of this chapter, it may, through the chairman of the board of supervisors, give notice of its readiness to do so to the holder in person, or by publication thereof once a week for two successive weeks in a newspaper published in said county, or nearest thereto. It shall be sufficient in the notice to give the number and amount of each bond and fix a day for its presentation for payment, which shall not be less than ten days from the date of personal service of the notice, or the completion of the publication thereof, as the case may be.

If the bond be not presented on the day fixed for its redemption, interest thereon shall cease from that day.

Sec. 2120. Proceedings of the board of supervisors, et cetera.— The board of supervisors of the county shall apply to the State highway commissioner for, or shall employ a competent road engineer, whose selection shall be approved by the State highway commissioner, to make plans and specifications of all roads or bridges to be built or permanently improved from the proceeds of such bond issue, and to supervise the building of the same, and shall let the work to contract to the lowest responsible bidder, after due public access to the specifications and due public advertisement for bids for at least two consecutive weeks in a rewspaper having a general circulation in such county, and in such publication as the State highway commissioner may deem proper, if any, for the furnishing of all material and for the construction of such road according to such plans and specifications; and such State highway commissioner and the board of supervisors may award such contract to the lowest responsible bidders. Such commissioner and board of supervisors may reject any and all bids, and before entering into any contract with any bidder, they shall require a bond in the penalty of at least thirty per centum of the contract price, with sufficient security, conditioned that if the proposal shall be accepted the contractor shall furnish the material and perform the work upon the terms proposed, within the time prescribed and in accordance with the plans and specifications. Partial payments may be provided for in the contract and paid in the manner herein provided when certified to by such commissioner or road engineer approved by him to an amount not exceeding ninety per centum of the value of the work done, and ten per centum of the contract price shall be retained until ninety days after the entire work has been accepted and open to the public. The said contractor shall conform to all reasonable regulations and directions of the said highway commissioner or road engineer. board of supervisors shall have no power or authority to expend the money derived from the bond sales as aforesaid except to pay for materials furnished and work done under the supervision provided for in this chapter.

Sec. 2121. Board of supervisors, et cetera, and State highway commissioner acting jointly.—The board of supervisors and the State highway commissioner, acting jointly, in their discretion, may authorize the purchase of the necessary machinery and supplies and build or permanently improve such roads on account of the county making the bond issue authorized in this chapter, but such work shall be done under the same supervision as is provided in case the work

is done by contract.

Sec. 2122. Elections.—No election upon the question of the issuance of bonds under this chapter shall be held oftener than once

in any calendar year for the same county.

2. All acts and parts of acts, general or special, in so far as the same are in conflict herewith, are hereby repealed; provided, that this act shall not affect the existing law where in any proposed bond issue for county road improvement or construction, application has

been made for an election thereon as provided for in such existing law; provided, that if such application has heretofore been made under the provisions of the general law, as herein amended and reenacted, all proceedings taken hereafter in connection with any such bond issue shall be taken under the law as hereby amended and reenacted, and all limitations, restrictions and provisions of this law shall be applicable thereto, except in so far as such proceedings may already have been taken under said sections as they existed before this amendment.

- 3. The invalidity of any clause or clauses or parts thereof of this act shall not affect any other part of this act, but such invalid parts shall be deemed to be stricken therefrom and to form no part of this act.
- 4. By reason of the necessity for the issuance of bonds in the several counties of this State, in order properly to carry on county highway work, an emergency is hereby declared to exist, and this act shall be in force from its passage.

CHAP. 516.—An ACT to provide for the acceptance of the benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise; to provide for the appointment of a custodian of all moneys received by the State from appropriations made by the Congress of the United States for the purpose stated; to provide for the appointment of a State board to co-operate with the Federal board for vocational education in carrying out the provisions of said act, and prescribe its powers and duties; to provide for a plan of co-operation between such State board and the industrial commission of Virginia. [S B 391]

#### Approved March 28, 1922.

1. Be it enacted by the legislature of the State of Virginia: The State of Virginia does hereby, through its legislative authority, accept the provisions and benefits of the act of Congress, entitled an act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment, approved June second, nineteen hundred and twenty, and will observe and comply with all requirements of such act.

2. The State treasurer is hereby designated and appointed custodian of all moneys received by the State from appropriations made by the Congress of the United States for the vocational rehabilitation of persons disabled in industry or otherwise, and is authorized to receive and provide for the proper custody of the same and to make disbursements therefrom upon the order of the State board herein designated.

3. The board heretofore designated as the State board for vocational rehabilitation of persons disabled in industry or otherwise, and education in the administration of the provisions of the vocational educational act, approved February twenty-third, nineteen hundred

and seventeen, is hereby designated as the State board for the purpose of co-operating with the said federal board in carrying out the provisions and purposes of said federal act providing for the vocational rehabilitation of persons disabled in industry or otherwise, and is empowered and directed to co-operate with said federal board in the administration of said act of Congress; to prescribe and provide such courses of vocational training as may be necessary for the vocational rehabilitation of persons disabled in industry or otherwise and provide for the supervision of such training; to appoint such assistants as may be necessary to administer this act and said act of Congress in this State; to fix the compensation of such assistants and to direct the disbursement and administer the use of all funds provided by the federal government of this State for the vocational rehabilitation of such persons.

4. It shall be the duty of the State board, empowered to cooperate as aforesaid, and the industrial commission of Virginia to formulate a plan of co-operation in accordance with the provisions of this act and said act of Congress, such plan to become effective

when approved by the governor of the State.

5. The State board designated to co-operate as aforesaid in the administration of the federal act, is hereby authorized and empowered to receive such gifts and donations, either from public or private sources, as may be offered unconditionally or under such conditions related to the vocational rehabilitation of persons disabled in industry or otherwise as in the judgment of the State board are proper and consistent with the provisions of this act. All the moneys received as gifts or donations shall be deposited in the State treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of disabled persons, to be used by the said board to defray the expenses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training. A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to the governor of the State by the State board.

Be it enacted by the general assembly of Virginia:

Section 1. In cases of actual controversy, courts of record within the scope of their respective jurisdictions shall have power to make binding adjudications of right, whether or not consequential relief

CHAP. 517.—An ACT to grant jurisdiction to all courts of record to make binding declarations of rights and determine questions of construction, whether any consequential relief is or could be claimed or not, and to prescribe where, and how, and with what effect suits seeking the exercise of such jurisdiction shall be brought and conducted, and how this act shall be construed.

[S B 103]

Approved March 28, 1922.

is, or at the time could be, claimed and no action or proceeding shall be open to objection on the ground that a judgment or order merely declaratory of right is prayed for. Controversies involving the interpretation of deeds, wills, other instruments of writing, statutes, municipal ordinances, and other governmental regulations, may be so determined, and this enumeration does not exclude other instances of actual antagonistic assertion and denial of right.

Section 2. Declaratory judgments, orders and decrees may be obtained as other judgments, orders and decrees, and may be reviewed

on writ of error or appeal.

Section 3. Further relief based on a declaratory judgment, order or decree, may be granted whenever necessary or proper. The application shall be by petition to a court having jurisdiction to grant the relief. If the application is deemed sufficient the court shall, on reasonable notice, require an adverse party whose rights, have been adjudicated by the declaration of right, to show cause why further relief should not be granted forthwith.

Section 4. When a declaration of right or the granting of further relief based thereon shall involve the determination of issues of fact triable by a jury, such issues may be submitted to a jury in the form of interrogatories, with proper instructions by the court, whether

a general verdict be required or not.

Section 5. In all such actions and suits in which the court has jurisdiction to hear and determine the cause, exclusive of the jurisdiction by this act conferred, the action or suit may be brought in any county or corporation in which it could be brought were no declaration of right or determination of a question of construction sought. Where the sole jurisdiction of the court to hear and determine the cause is that conferred by this act, such action or suit may be brought in any county or corporation:

First. Wherein any of the defendants reside.

Second. If a corporation be a defendant, wherein its principal office is or wherein its president, or other chief officer resides.

Third. If it be to declare a right under or determine a question of construction of a policy of insurance either upon property or life, wherein the property insured was situated at the date of the policy or the person whose life was insured resides at the time suit is brought

or resided at the date of the policy.

Fourth. If it be to declare a right to, in or with reference to land or other real estate, or to construe any instrument of title to or contract concerning land or other real estate, wherein such land or other real estate or any part thereof may be; or if it be a will, wherein such will was admitted to probate; or if it be against a foreign corporation, wherein its statutory agent resides, or if it be against a defendant who resides without this State, wherein he may be found and served with process.

Fifth. If it be a cause to which subdivisions fifth, sixth, and seventh of section six thousand and forty-nine of the Code of

Virginia of nineteen hundred and nineteen are applicable, wherein it is provided by said subdivisions of said section it shall be brought.

Section 6. The mere pendency of any action or suit brought merely to obtain a declaration of rights or a determination of a question of construction shall not be sufficient grounds for the granting of any injunction.

Section 7. The costs of such part thereof as the court may deem proper and just, in view of the particular circumstances of the

case, may be awarded to any party.

Section 8. This act is declared to be remedial; its purpose is to afford relief from the uncertainty and insecurity attendant upon controversies over legal rights, without requiring one of the parties interested so to invade the rights asserted by the other as to entitle him to maintain an ordinary action therefor; and it is to be liberally interpreted and administered with a view to making the courts more serviceable to the people.

CHAP. 518.—An ACT to amend and re-enact section 4082 of the Code of Virginia. [S B 413]

Approved March 28, 1922.

1. Be it enacted by the general assembly of Virginia, That section four thousand and eighty-two of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 4082. When tolls may be suspended or resumed; fees of viewers; court may order repairs to be made.—All tolls upon any section or sections or any bridge or abutments thereto of the road of any turnpike company so pronounced not to be in good repair, shall be suspended from the time of filing of a report of the said viewers in the clerk's office, and until the said section or sections shall have been put in good repair and ascertained so as to be in the following manner, within four months from the date of filing the report of said viewers:

On application of the president or one of the directors of the company, the court shall, in term time or vacation, direct the same viewers, or in case of vacancy or vacancies, such other disinterested freeholders as may be necessary to fill such vacancy or vacancies, as he may appoint, to meet on the said section or sections at a specified time, which shall be as soon as convenient, and ascertain whether or not the said section is, or sections are, in good repair, and all proceedings shall be the same as prescribed in preceding sections. The fees accruing to officers and viewers acting under this section, shall be paid by the company, and upon any report hereunder the company shall have the right of appeal to the circuit court.

In addition to the remedies provided in the foregoing part of this section, however, if any section or sections of the road or any bridges or abutments thereto of any turnpike company are pronounced by

the said viewers not to be in good repair, or that the said turnpike company is not complying with its charter provisions with reference to said turnpike construction or maintenance of its roads, bridges or abutments the court, or the judge thereof in vacation, may order the necessary repairs recommended by the said viewers to be forthwith made under the supervision of the local road authorities, and the cost of such repairs shall be borne by the turnpike company owning the section or sections so repaired, and shall be a lien on all the property of such company until paid.

But nothing contained in this or the preceding five sections shall be construed to refer to any turnpike placed under the exclusive con-

trol of the State corporation commission.

CHAP. 519.—An ACT to amend and re-enact section seven of an act entitled an act to provide for the issuing of county bonds for permanent road or bridge improvement in the magisterial district of the counties of the State, and repealing all acts in so far as the same are in conflict herewith, approved September 5, 1919.

[S B 232]

#### Approved March 29, 1922.

- 1. Be it enacted by the general assembly of Virginia, That section seven of an act entitled an act to provide for the issuing of county bonds for permanent road or bridge improvement in the magisterial district of the counties of the State, and repealing all acts in so far as the same are in conflict herewith, approved September fifth, nineteen hundred and nineteen, be amended and re-enacted as follows:
- Sec. 7. After issuing such bonds, or any of them, when the next levy is laid or tax imposed in said county, a tax shall be levied on all property liable to county and district tax in such magisterial district in which the proceeds of the bonds have been, or are to be expended, including the property, if any, located or the situs of which for taxation is within the limits of any incorporated town situated within such district, wherein real estate is subject to county and district road tax, to pay the interest on the bonds so issued, and to create a sinking fund to redeem the principal thereof at maturity; and, in addition, an annual levy at a rate to yield a sum amounting to not less than three per centum of the amount of bonds outstanding and or previously issued, or, in lieu thereof, an amount equal to the amount to be raised from said additional levy may be set aside by the board of supervisors from other funds of the county, or may be raised by other means now provided for by law; which sum shall be expended under the direction of the local road authorities in the maintenance and upkeep of the roads constructed and improved hereunder, and from year to year said levy and assessment shall be made until the debt and interest are paid, but said additional levy for maintenance shall not exceed ninety cents on the one hundred



dollars (\$100.00) of taxable property within the said magisterial district of said county; and the amount levied for and set apart as a sinking fund and the interest accruing thereon shall be used for the payment of the principal of said bonds, and for no other purpose.

Should for any reason the county in any way have to assume any payment on account of said bond issue, either interest or principal, it is hereby provided that the board of supervisors shall levy such tax in said magisterial district as may be necessary to defray the amount assumed by the county, it being and having heretofore been intended that bonds issued or to be issued under this act are county obligations, but payable primarily out of levies upon the property in the magisterial district, where the proceeds of the bonds may be

expended hereinunder.

The board of supervisors is hereby authorized and empowered to apply any part or all of said sinking fund to the payment or purchase of any of said bonds, at any time, and all bonds so paid off or purchased by said board of supervisors shall be immediately cancelled, and shall not be reissued, and the board of supervisors is authorized and empowered to lend out, upon real estate security, the loan not to exceed fifty per centum of the assessed value of such real estate, or deposit in bank at interest, all accumulations of money to the credit of said sinking fund; provided, as aforesaid, and to collect and reinvest the same and the interest accruing thereon from time to time, so often as may be necessary or expedient, until such bonds become subject to call; provided, that no money to credit of said sinking fund shall be loaned out or deposited or invested by the said board of supervisors, unles said loan, deposit or investment shall be first approved by the circuit court of said county or the judge thereof in vacation, and the form of the security be examined and approved by the Commonwealth's attorney of said county, which approval shall be entered of record in the order book of said court.

2. By reason of the necessity for issuing of bonds in several magisterial districts of the counties of the State in order to properly carry on county highway work, an emergency is hereby declared to

exist and this act shall be in force from its passage.

CHAP. 520.—An ACT to amend and re-enact section 2307 of the Code of Virginia, and to repeal section 2308 of the Code of Virginia. [H B 333]

#### Approved March 30, 1922.

1. Be it enacted by the general assembly of Virginia, That section twenty-three hundred and seven of the Code of Virginia be amended and re-enacted so as to read as follows:

Section 2307. By whom property is to be listed; to whom taxed.—If property be owned by a person sui juris, it shall be listed by and taxed to him. If property be owned by a minor, it shall be listed to and taxed by his guardian or trustee, if any he has; if he

has no guardian or trustee, it shall be listed by and taxed to his father, if any he has; if he has no father, then it shall be listed and taxed to his mother, if any he has; if he has no guardian, nor trustee, father nor mother, it shall be listed by and taxed to the person in possession. If the property is the separate property of a person over twenty-one years of age or a married woman, it shall be listed by and taxed to the trustee, if any they have in this State; and if they have no trustee in this State, it shall be listed by and taxed to themselves. In either case, it shall be listed and taxed in the county or city where they reside; but if they be nonresidents of Virginia, the property shall be listed and taxed in the county or city wherein such trustee resides. If the property be the estate of a deceased person, it shall be listed by the personal representative or person in possession, and taxed to the estate of such deceased person. If the property be owned by an idiot or lunatic, it shall be listed by and taxed to his committee, if any, if none has been appointed, then such property shall be listed by and taxed to the person in possession. If the property is held in trust for the benefit of another. it shall be listed by and taxed to the trustee in the county of his residence (except as hereinafter provided); that all farming implements, live stock and other personal property on a farm shall be listed and taxed in the county where such farm is located, and not elsewhere. If the property belong to a company or firm, it shall be listed by and taxed to the company or firm. If the property belong to a domestic corporation, which property is not otherwise taxed, it shall be listed and taxed to the corporation by the principal accounting officer and at the principal place of business of such corporation: if the property belong to a foreign corporation, which property is not otherwise taxed, it shall be listed to the corporation by the principal officer and at the place designated by the corporation as the office at which all claims against the corporation may be audited, settled, and paid; provided, that, in the assessment of capital under schedule "C," section 8, subdivision 2 of the revenue act, the stock on hand, raw materials for use in business whether at the place of business, in storage or elsewhere, and machinery and tools not taxed as real estate shall be listed by the corporation (domestic or foreign) by the principal officer of such corporation and shall be taxed in the county or incorporated community in which such property is physically located, as provided by law; but if not so listed, it shall be listed and taxed in the place where the property has its legal situs for taxation. If the property consists of money, bonds or other evidences of debt under the control or in the possession of a receiver or commissioner, it shall be listed by and taxed to such receiver or commissioner, and the clerk of each court shall furnish the commissioner of the revenue with all bonds and funds held by the commissioners or receivers under the authority of the court. If the property consists of money or other thing deposited to the credit of any suit, and not in the hands of a receiver, it shall be listed by and taxed to the clerk of the court in which the suit is, and such clerk shall, upon the order of

his court, made in term or vacation, withdraw from such deposit the amount of such tax; provided that funds, credits or estate, however evidenced, in the hands of a receiver or commissioner of a court, or deposited to the credit of a suit, and held for distribution or disbursement upon debts reported in any suit or proceeding pending in such court, shall not be listed for taxation against the commissioner, receiver or clerk unless such funds, credits or estate exceed the total amount of the debt to be so paid, in which event, the excess shall be listed for taxation against the commissioner, receiver or clerk as the case may be; but such reported debts shall be taxed to the respective creditors, and no order or decree for the distribution of such funds shall be effective unless it directs the payment of such tax as may be due, or recites that all such taxes so due have been paid.

If the property consists of money, bonds, stocks, or other evidences of public or private debts in any county or city other than that of its residence, or State other than Virginia, it shall be listed by and taxed to the owner thereof; and it shall be the duty of the respective examiners of records of the several judicial circuits where the respective fiduciaries are appointed or qualified, to report to the respective commissioners of the revenue of the counties or cities in which said property is liable for taxation, all property held by said fiduciaries, to be taxed as provided by law. If the property be listed by and taxed to any person other than the owner, it shall not be delivered to the owner until the taxes thereon are paid or indemnity given to the person in possession, for the payment thereof.

All money, bonds, estates, credits and other evidences of debt, listed by and taxed to clerks, receivers and commissioners of courts as hereinabove provided for, whether the same be for the purchase price of real estate or personal property, shall be exempt from taxation in the name of the parties beneficially interested therein.

2. Section twenty-three hundred and eight of the Code of Vir-

ginia is hereby repealed.

This act shall apply to the assessment of taxes for the year nineteen hundred and twenty-two and until otherwise provided by law.

JNO. W. WILLIAMS, Clerk of the House of Delegates of Virginia.

I, Jno. W. Williams, clerk of the house of delegates of Virginia, do hereby certify that the session of the general assembly of Virginia at which the acts of assembly herein printed were enacted, adjourned sine die on March twentieth, nineteen hundred and twenty-two.

# CIRCUIT COURTS OF VIRGINIA

# Times for the Commencement of the Regular Terms.

CIRCUIT	COUNTY OR CITY	TERM	
First	Norfolk county	First Monday in January, February, March, April, May, June, July, October, November and December.	
	Nansemond	Second Monday in January, March, May, July and October.	
Second	Southampton	Third Monday in January, March, May July and October.	
	City of Suffolk	Tuesday after the fourth Monday in February, June, September and November.	
	Prince George	Third Tuesday in January, May, November and July sixth.	
	City of Hopewell	Second Tuesday in February, April, June, October and December.	
	Surry	Fourth Tuesday in January, March, May, September and November and July twelfth.	
Third	Sussex	Second Tuesday in January, March, May September and November and Jul second.	
	Greenville	First Tuesday in February, April, June, October and December.	
•	Brunswick	Fourth Tuesday in February, April, June, and October, and on the first Tuesday in September.	
<u> </u>	Amelia	Fourth Monday in March, June, and September, and first Monday in January.	
	Chesterfield	Second Monday in February, May, July and October.	
Fourth	Dinwiddie	Third Monday in March, June, September and December.	
	Nottoway	First Monday in M h, June, September and December.	
	Powhatan	Tuesday after the 1 Monday in February, May, July October.	
	City of Petersburg	First Monday in Ap. 1 and October.	

CIRCUIT.	COUNTY OR CITY	TERM
	Appomattox	First day in April, June, October and December
	Buckingham	Tuesday after second Monday in March. May, October and December.
Fifth	Charlotte	First Monday in January, March, May, July, September and November.
	Gumberland	Tuesday after the fourth Monday in January, April, June and September.
	Prince Edward	Tuesday after the third Monday in Jan- uary, April, July, September and No- vember.
	Lunenburg	Third Monday in January, second Monday in April, fourth Monday in June, first Monday in October and second Monday in December.
	Mecklenburg	Third Monday in February, April, June, August, October and December.
Sixth	Halifax	Fourth Monday in January, March, May, July, September and November.
· ·	Campbell	Second Monday in January, March, May, July, September and November.
800 100	City of Lynchburg	Second Monday in February, third Mon- day in May and September, and second Monday in December.
	Pittsylvania	Third Monday in January, March, May, July, September and November.
	Henry	First Monday in January, April, July and October
Seventh	Patrick	First Monday in March, first Monday in June, first Monday in September, and first Monday in December.
	City of Danville	April twenty-fifth and October the twenty-fifth.
	Albemarle	First Monday in February, April, June, August, October and December.
Eigh)	Madison	First Monday in January, March, May, July, September and November.
Eign	Greene	Third Monday in January, March, May, July, September and November.
	City of Charlottesville.	See sections 5893 and 5911 of the Code as amended.

CIRCUIT	COUNTY OR CITY	TERM
	Culpeper	Third Monday in February, April, June August, October and December.
811 na	Goochland	Second Monday in February, April, June August, October and December.
N inth	Orange	Fourth Monday in January, March, May July, September and November.
	Louisa	Second Monday in January, March, May July, September and November.
	Henrico	First Monday in January, April, July and October.
Tonik	City of Richmond	First Monday in February, May an November.
-	Elizabeth City	First Monday in February, April, June August, October and December.
Eleventh	City of Newport	First Monday in January, March, May July, and second in September an November.
	Richmond	First Monday in January, March, May July, September and November.
	Northumberland	Second Monday in February, April, June August, October and December.
Twelfth	Lancaster	Third Monday in January, March, May July, September and November.
	Westmoreland	Fourth Monday in February, April, June August, October and December.
	Essex	Third Monday in February, April, June August, October and December.
	Gloucester	First Monday in January, March, May July, September and November.
	Mathews	Third Monday in January, March, May July, September and November.
Thirteenth	King and Queen	Second Tuesday in February, Apri June, August, October and Decembe
	King William	First Tuesday in February, April, Jun August, October and December.
	Middlesex	Tuesday after fourth Monday in January March, May, July, September an November.
Fourteenth Continued on next pag	New Kent	Fourth Tuesday in January, March, Ma July, September and November.



CIRCUIT	COUNTY OR CITY	TERM
		<u>                                     </u>
	Charles City	Third Thursday in February, April, June August, October and December.
	York	First Tuesday in February, April, June August, October and December.
Fourteenth	Warwick	Second Monday in January, March, May July, September and November.
	City of Williamsburg and James City	Second Monday in February, April, June August, October and December.
	King George	First Monday in January, March, May July, September and November.
	Stafford	Second Monday in January, March, May July, September and November.
Fifteenth	Spotsylvania	First Monday in February, April, June August, October and December.
	Caroline	Second Monday in February, April, June August, October and December.
	Hanover	Third Monday in January, March, May July, September and November.
	Prince William	First Monday in February, April, June August, October and December.
Sixteenth	Fairfax	Third Monday in January, March, May July, September and November.
	Arlington	Third Monday in February, April, June October and second Monday in December.
	City of Alexandria	First Monday in January, March, May July, and second Monday in September and first Monday in November,
	Frederick	First Monday in February, April, June August, October and December.
	Clarke	Fourth Monday in January, March, May July, September and November.
Seventeenth	Warren	First Monday in January, March, May July, September and November.
	Shenandoah	Second Monday in January, March, May July, September and November.
<b></b>	Rockbridge	First Monday in February, May, September and November.
Eighteenth Continued on next pa	Augusta	Fourth Monday in February and May first Monday in October, and fourt Monday in November.

	<del></del>		
CIRCUIT	COUNTY OR CITY	TERM	
Eighteenth	Highland	Fourth Tuesday in April, second Tuesday in July and October.	
	Alleghany	Fifteenth day of January, April, July, and October.	
	Bath	First day of April and the twentieth day of June, September and November.	
Nineteenth	Botetourt	March first, June first, October first and December first.	
	Craig	Tenth day of February, May, September and November.	
	The City of Clifton Forge.	First day of February, May, July and November.	
	City of Roanoke	Fifteenth day of March, May, September and December.	
Towardida	Montgomery	First day of February, July, October and December.	
Twentieth	Roanoke	First day of January, April, June, September and November.	
	Floyd	First day of March and May and fifteenth day of July and October.	
	Wythe	Second Monday in January, April, and third Monday in July and October.	
	Pulaski	Third Monday in February and second Monday in November, and first Mon- day in May and September.	
Twenty-first	Carroll	Second Monday in March, and first Monday in December, third Monday in May and September.	
	Grayson	Fourth Monday in March and November, first Monday in June and October.	
	Giles	Third Tuesday in March, first Tuesday in June, third Tuesday in September and second Tuesday in December.	
	Bland	Second Monday in March and August and fourth Monday in October.	
Twenty-second	Tazewell	Second Tuesday in February, fourth Tuesday in April, third Tuesday in August and second Tuesday in Novem- ber.	
		The judge may designate one of the terms of court of Tazewell county, at which only criminal cases shall be tried.	

CIRCUIT	COUNTY OR CITY	TERM
Twenty-third	Washington	Fourth Monday in January, March May, September and November.
	Smyth	First Monday in January and the fourth Monday in February, April, Augus and October.
	Lee	Second Monday in February, May, September and November.
Twenty-fourth	Scott	Second Monday in January, April, July and October.
	Rockingham	Third Monday in February, April, June August, October and December.
Twenly-fifth	Page	Fourth Monday in January, March May, July, September and November
	Fauquier	Fourth Monday in January, March May, July, September and November
Twenty-sixth	Loudoun	Second Monday in February, April, June August, October and December.
	Rappahannock	Second Monday in January, March May, July, September and November
	Russell	Tuesday after third Monday in February, Tuesday after first Monday i May, September and December.
Twenty-seventh	Buchanan	Tuesday after third Monday in Apri Tuesday after fourth Monday in Jul and Tuesday after third Monday i November.
	Dickenson	Tuesday after second Monday in Marci Tuesday after fourth Monday in Jun Tuesday after fourth Monday in Ser tember, and Tuesday after fourth Monday in December.
	Isle of Wight	First Monday in January, March, May July, September and November.
Twenty-eighth	City of Portsmouth	Fourth Monday in January, February March, April, May, June, July, Sep tember, October and November.
	Princess Anne	First Monday in February, April, June August, October and December.
Towards, winds	Amherst	Second Monday in February, April, June August, October and December.
Twenty-ninth atinued on next page	Fluvanna	Fourth Monday in February, Apri June, August, October and December

CIRCUIT	COUNTY OR CITY	TERM		
Twenty-ninth	y-ninth Nelson Fourth Monday in Janua July, September and			
		January tenth, March first, May first July first, October first, December first		
Thirtieth	Franklin	First Monday in February, April, June, September and November.		
Accomac		First Monday in February, April, June, August, October and December.		
1 kuriy-jursi	Northampton	Second Monday in January, March, May, July, September and November.		
Thirty-second	Norfolk city	Second Monday in January, February, March, April, May, June, July, Octo- ber, November and December.		
Thirty-third	Wise	Second Monday in March, May, July, September and November.		

ACTS OF ASSEMBLY.

# CORPORATION COURTS OF VIRGINIA

# Times for the Commencement of the Regular Terms.

CITY	MONTHLY TERM
Alexandria city	Second Monday.
Bristol	First Monday except July or August, either may be designated as vacation month.
Buena Vista	First Monday in February, April, June, August, October and December.
Charlottesville	Third Monday except August.
Danville	First Monday except August.
Rredericksburg	First Thursday except August, and third Thursday in September.
Lynchburg	First Monday in each month except August, and except that in September Tuesday after first Monday.
Newport News	Second Monday in each month except August.
Norfolk city:	
Corporation Court	First Monday.
Corporation Court Part 2	First Monday.
Law and Chancery Court	First Monday in October and third Monday in each other month, vacation may be either August or September.
Petersburg	Third Thursday in each month, except August.
Portsmouth	Third Thursday except August.
Radford	Second Monday, except August.
Richmond city:	
Hustings Court	First Monday, except August and September.
Part II	Third Monday, except August.
Chancery Court	First Monday in January, April, June and October.
Law and Equity	
Court	Second Monday in February, May and December and third Monday in September.
Roanoke city:	
Corporation	First Monday, except August. No court August.
Law and Chancery	First Monday, except August.
Staunton	Thursday after first Monday.
Winchester	Third Monday, except August.

# SUPREME COURT OF APPEALS OF VIRGINIA Times for the Commencement of the Regular Terms.

RICHMOND—First Tuesday in November. WYTHEVILLE—First Tuesday in June. STAUNTON—First Tuesday in September.

# PLACES AT WHICH SEPARATE POLLS HAVE BEEN **ESTABLISHED IN EACH COUNTY**

Accomac—Chincoteague Island, Greenbackville, New Church, Temperanceville, Hallwood, Sanford, Saxes, Mappsville, Bloxom, Newstown, Parksley, Courthouse, Onancock, Tangier, Pungoteague, Wachapreague, Hawk's Nest, Belle Haven, Craddockville, Locustville, Cashville, Horntown, Onley, Quinby, Keller.

Albemarle—Alberene, Batesville, Blackwells, Courthouse, Carter's Bridge, Covesville, Crozet, Earlysville, Free Union, Howardsville, Hillsboro, Ivy Depot, Keswick, Lindsay, Monticello, Milton, North Garden, Owensville, Proffit, Porter's, Stony Point, Scottsville, Wingfields, White Hall.

Arlington—Arlington, Jefferson, Rosslyn, Clarendon, Ballston, East Falls

Church, Carne, Cherrydale.

ALLEGHANY—Alleghany, Arritt's, Clift, Covington, Callaghan, Damron's, Griffith, Iron Gate, Jackson River, Longdale, Peter's Switch, Rich Patch, Selma. Amelia—Amelia Courthouse, Wilkerson's Shop, Chula, Deatonsville, Paine-

ville, Jetersville, Mannboro, Namozine, Bridgeforth's Mill.

AMHERST—Courthouse, Riverville, Hicks, Mayflower, Temperance, Fancy Hill, New Glasgow, Pedlar Mills, Naola, Furnace, Chestnut, Allwood, Elon, Magruder's, Madison Heights, Wright's Shop, Monroe, Pleasant View, Long Mountain, Alto.

Long Mountain, Aito.

APPOMATTOX—Courthouse, Chop, Cheatwood, Clover Hill, Walker's Church, Pamplin, Stonewall, Oakville, Agree, Rocks.

AUGUSTA—Sandy Hollow, Peaco's Mill, Bolivar, Arbor Hill, Burnett, Mt. Solon, Sangersville, Parnassus, Spring Hill, Centerville, Roman, New Hope, Mint Spring, Mt. Sidney, Mt. Meridian, Verona, Crimora, Burk's Mill, Hermitage, Laurel Hll, Harriston, Waynesboro, Basic City, Fishersville, Stuart's Draft, Sherando, Greenville, Middlebrook, Spottswood, Newport, Deerfield, Craigsville, Kershner's Mill, Churchville, Pond Gap, Weyer's Cave, Buffalo Gap.

BATH—Warm Springs, Mountain Grove, Cleek's Mills, Healing Springs, Hot Springs, Greaver's Mill, Fair View, Millboro Springs, Sitlington, Burns-

ville, Fort Lewis, Cloverdale.

Bedford—North Liberty, South Liberty, Bunker Hill, Blount, Peakesville, Thaxton, Patterson's Mill, Hall's Mill, Bufordville, Hogan's Store, Chamblissburg, Stewartsville, Goodview, Emaus, Cedar Hill, Board's Store, Fancy Grove, Valley Mills, White Rock, Lone Gum, Franklin Store, Otter Hill, Pollard's Store, Everett's Store, Goodes, Forest Depot, Perrowville, Bigbie's Shop, Cove, Big Island, Charlemont, Curtis.

BLAND-Bogle's School House, Bishop's, Rocky Gap, Davis, Mechanicsburg,

Point Pleasant, Sharon, Seddon, Bastian, Seres.

BOTETOURT-Courthouse, Oriskany, Eagle Rock, Gala, Lick Run, Glen Wilton, Town Hall, Asbury, Vandergrift's, Amsterdam, Cloverdale, Troutville, Brugh's Mill, Coyner's, Rocky Branch, Buchanan, Lithia, Arch Mills, Springwood, Jenning's Creek, Roarng Run, Blue Ridge Springs.

BRUNSWICK—Lawrenceville, Poarch and Ross, Smoky Ordinary, Sturgeonville, Trotter's, Edmund's, Store, Elmore's, Broadnax, Tillman's, Rock Store,

Phipp's, Drumgoole's, Butler's.

BUCHANAN—Grundy, Slate, Prater, Contrary, Hurricane, Whitt Place, Rock Lick, Knox, Bull.

BUCKINGHAM—Maysville, Wrights, Glenmore, New Store, Curdsville, White Hall, Red Mills, New Canton, Gold Hill, Damson's, Well Water.

Campbell—Courthouse, Concord, Mt. Zion, Brookneal, Hat Creek, Morgan's Mill, Mike, Pigeon Run, Marysville, Castle Craig, Lynch's, Leesville, New London, Evington, Rolling Mill, Black Water, Flynns' Kings, West Lynchburg, Altavista.

CAROLINE—Bowling Green, Shumansville, Sparta, White's, Gouldman's, Port Royal, Moss Neck, Guiney's, Madison, Cedar Fork, Balty, Reedy Church, Bowers.

CARROLL—Courthouse, Little Vine, Lindsay, Quesenberry, Sylvatus, Courthouse (Laurel Fork District), Fremont, Snake Creek, Nester's, Turner's, Smith's Mill, Strickland's Mill, Wisler's, Hawk's, Courthouse (Piper's Gap District), Beamer's, Woodlawn, Castle Hill, Hank's, Courthouse (Sulphur Springs District), Mt. Zion, Hebron, Blair, Springs, McGees, Gray's, Galax, Willis

CHARLOTTE-Scott's Store, Aspen, Priddy's, Keysville, Eureka, Courthouse, Central, Willeysburg, Red Oak, Smith Tavern, Midway, Harvey's Store,

Phenix.

CHARLES CITY—Harrison, Tyler, Chickahominy. CHESTERFIELD—Bowen's Store, Bon Air, Midlothian, Horner's Store, Winterpock, Skinquarter, Winfrey's Store, Matoaca, Ettrick, Chester, Eyler's Store, Courthouse, Appomattox, Beach, Elkhart, German School.

CLARKE-White Post, Millwood, Morgan's Mill, Shenandoah, Berryville, Mt.

Airy, Russell's, Pierce's, Turner's Shop. CRAIG—Courthouse, Barbour's Creek, Paint Bank, McGuire's Store, Marshall's Store, Ammendale, Healing Springs, Givens & Reynold's Store, Forks, John's Creek.

CULPREER—Catalpa, Jeffersonton, Rixeyville, Mitchell's, Brown's Store, Eldorado, Brandy, Stevensburg, Lignum, Richardsville.

CUMBERLAND—Brown's Church, Courthouse, Flanagan's Mill, Thomas Chapel. DICKENSON-Ridge, Lick Fork, Chase, Artrip, Hill, Bart's Lick, Colley, Roaring

Fork, Stratton, Rose, Sulphur Spring, Moss.
DINWIDDIE—Brookland, Cherry Hill, Church Road, Dinwiddie Courthouse, Darvills, Malams, Monk's Neck, New Hope, Ritcheville, Ream's, Rocky Run,

Sutherland, White Oak, Westboro, Guns Hill.

ELIZABETH CITY—Fox Hill, East End, Phoebus, Back River, LaSalle, Hampton Roads, Kecoughton, River, Courthouse.

ESSEX—Loretta, Lloyd's, Enterprise, Tappahannock, Howerton's, Centre Cross, Dunnsville

Franklin-Rocky Mount, Snow Creek, Sydnorsville, Calloway, Helms, Boon's Mill, Long Branch, Providence, Young Store, Glade Hill, Pen Hook, Dickerson, Union Hall, Taylor's Store, Hatcher's, Brook's Mill, Lynville, Laugh-

ons, Bowman's Bonbrook, Sandy Level, Bauervale.

FAIRFAX—Centreville, Clifton, Swetnam's, Well's Store, Burk's, Baylis, Woodyards, Accotink, Pulman's, Gum Spring, Moore's, Falls Church, West End, Anandale, Fairfax Courthouse, Langley, Vienna, The Lick, Dranesville,

Herndon, Forestville, Thompson's, Thornton's, Pleasant Valley, Pender. FAUQUIER—Orlean, Fiery Run, Marshall, Markham, Hume, Paris, Upperville, Rectortown, Landmark, The Plains, New Baltimore, Warrenton, Morrisville, Bealeton, Remington, Auburn, Catlett's, Calverton, Bristersburg, Summerduck.

FLOYD-Copper Hill, Weavers, Locust Grove, Harman's, Turtle Rock, Courthouse, Booth's Mill, Stuart's Schoolhouse, Indian Valley, Barringer, Willis, Crab Orchard, Rifton.

FLUVANNA-Palmyra, Centre Hill, Wilmington, Kent's Store, Columbia, Fork Union, Jones' Schoolhouse, Cunningham, Kidd's Store, Scottsville, Goodson's.

FREDERICK-Neffstown, Brucetown, White Hall, Gainesboro, Baker's Mill, Dolan's, Ashton's, Yeakley's, Lamps, Russell's, Dry Run, Middletown, Old Forge, New Town, Kernstown, Carper's Valley, Greenwood, Gore, Armel, Stephens City, Canterburg.

GRAYSON-Independence, Elk Creek, Comer's Rock, Galax, Old Town, X-Roads, Fairview, Fries, Bridle Creek, Mouth of Wilson, Pugh Place, White Top, Trout Dale, North Corner, Potato Creek, Shaw, Rugby, Knob Fork, White Top Gap.

Digitized by Google

Greene-Monroe, Standardsville, McMullan, Ruckersville, Amicus, Standardsville (town).

GREENSVILLE-Belfield, Hicksford, Brink, Moss' Mill, Taylor's Mill, Purdy.

GILES-Pearisburg, Narrows, Burton's Mill, Glen Lyn, Eggleston, Poplar Hill, White Gate, Sugar Run, Staffordsville, Pembroke, Hatfield, New River, Newport.

GLOUCESTER-Dragon Ordinary, Wood's X-Roads, Cash, Sassafras, Harcum, Tabb's Store, Courthouse, Bel Roi, Hickory Fork, Hayes' Store, Achilles,

Stonewall, Sterling.

GOOCHLAND—Bowles' Store, Ford's Store, Dietrick's Store, Goochland Courthouse. Rockets, Three Square, Watkinsville, Caladonia, Snead's Store, Grice's Store, Tabscott, Old Church, Smith's Store, Mechanicsville.

HANOVER-Cold Harbor, Rural Point, Glay, Ashland, Rockville, Blunt's, Hall's

Shops, Higginson.

HALIFAX—Courthouse, South Boston, Clay's Mill, Scottsburg, Mt. Laurel, Cross Roads, Clover, Dryburg, Mt. Carmel, Brandon, Black Walnut, Hyco, Mayo, Vernon Hill, News Ferry, Brooklyn, Whitlock, Birch, Pace's, Virgilina, Omega, Midway, Republican Grove, Barksdale, Bryan, Martin's Store, Meadville, Locust Level.

HENRICO-Whitlock's, Town Hall, Carter's, Seven Pines, Horden's, Hungary, Ridge Church, Short Pump, Montrose, Bowling Green, Westhampton, Highland Springs, Sullivan's, Brook Hill, Lakeside, Dills.

HENRY-Martinsville, Moore's Mill, Fieldale, Spencer, Gunville, Horse Pasture, Scott's, Ridgeway, Oak Level, Bassett, Ironside, Figsboro, Axton, Leatherwood, Mountain Valley, Irisburg.

Highland—Ruckman's Schoolhouse, Hevener's Store, New Hampden Court-

house, Wilson's Mill, Pullin's Schoolhouse, Big Valley, Doe Hill, McDowell,

ISLE OF WIGHT—Burwell's Bay, Courthouse, Zuni, Carrolton, Longview, Orbit, Smithfield, Carrsville, Camp's Mill, Mount Carmel, Windsor, Rescue, Pons. JAMES CITY-Jamestown No. 1, Jamestown No. 2, Stone House, Powhatan No. 1, Powhatan No. 2.

KING AND QUEEN—Buena Vista, Little Plymouth, Stevensville, Carlton's Store,

Clark's, Newtown.

KING GEORGE—Shiloh, Courthouse, Passapatanzy, Hampstead.

KING WILLIAM—Mangohick, Beulahville, Manquin, Courthouse, Lanesville, West Point, Martin's Store.

LANCASTER-Kilmarnock, Irvington, Weem's, White Stone, Ottoman, Litwalton, Lancaster, Foxwell.

LEE-Bale's Mill, Bale's Forge, Blackwater, Bishop's Store, Dryden, Dixie, Hunter's Gap, Jonesville, Morgan's Store, Pennington Gap, Stickleyville, Keokee,

Seminary, St. Charles, Robbins Chapel, Zion Mills.

LOUDOUN—Leesburg, Lovettsville, Taylortown, Water's. Bollington, Hamilton, Snickersville, Silcott Springs, Mt. Gilead, Lincoln, Hughesville, Philomont, Waterford, Hillsboro, Purcellville, Irene, Round Hill, Unison, Middleburg, Aldie, Mountville, Powell's Shop, Gumspring, Farmwell, Guilford, Waxpool, Lenah, Lucketts. Louisa—Zion, Trevilian's, Bell's Cross-Roads, Louisa Courthouse, Terrell's

Store, Thompson Cross-Roads, Cuckoo. Fredericks Hall, Centreville, Shelton's Mill, Jackson, Bumpass, Mechanicsville, Mineral, Vigor, Bryan. Lunenburg—Lewiston, Knight and Oliver, Pleasant Grove, Meherrin, Rehoboth,

Plantersville, Brown's Store, Lochleven, Columbian Grove, Victoria, Crymes'

MADISON-Criglersville, Dulinsville, Graves' Mill, Madison, Nethers, Oak Park, Rochelle, Wolftown, Radiant.

MATHEWS-Battery. Mathews, White's Neck, Gwynn's Island, Hookemfair, Cobh's Creek, Port Haywood.

MECKLENBURG—Boydton, Baskerville, Finchley, Gillespie, Abbyville, Clarksville, Averett, Buffalo Lithia Springs, Pearson's Store, Wright's Store, Lacrosse,

South Hill, Union Level, Chase City, Smith's Cross-Roads, Bracev, Edmondson's Old Store.

MIDDLESEX—Jamaica, Saluda, Free Shade, New Market, Urbanna.

Montgomery—Christiansburg, Guerrants, Shawsville, Alleghany Springs, Big
Spring, Kirby's Mill, Auburn, Harman's, Grayson's Mill, Blacksburg, Price's

Fork, Long's Shop, Crumpacker's, Wathall, Cambria, Craig's Creek, Ellett.
Nansemond—Copeland's Mill, Holy Neck, Kilby's Mill, Cypress Chapel, Paul's
Branch, Somerton, Whaleyville, Chuckatuck, Ebenezer, Myrtle, Juncton,
Yeate's, Holland.

Nelson-Lovingston, Elmington, Arrington, New Market, Gladstone, Buffalo Ridge, Roseland, Massie's Mill, Lowesville, Montebello, Forks Tye River, Faber's, Poplar, Grape Lawn, Slaughter, May's Store, Mann's Store. Pamplin, Schuyler, Roseland.

New Kent—Quinton, Talleysville, Courthouse, Barhamsville, Walkers.

NORFOLK-Bethel, Bell's Mill, Bower's Hill, Churchland, Oak Grove, Deep Creek, Indan Creek, Hickory, South Norfolk, West Norfolk, Gilmerton, Ocean View, Riverside, Hall's Corner, Sewall's Point, Campostella, Fairmount, Norview. LaFayette Park, Sunray, Westhaven, Raleigh Heights. Northampton—Capeville, Cape Charles, Bay View, Eastville, Johnsontown,

Franktown, Wardtown, Hog Island. Exmore.

NORTHUMBERLAND-Lottsburg, Heathsville, Burgess' Store, Reedville, Wicomico,

Church, Harvey's Wharf, Lodge, Lewisetta, Lillian. Norroway-Blackstone, Burkeville, Crewe, Jeffress Store, Nottoway, Spainville. Orange—Orange, Gordonsville, Barboursville, Rhodesville, Woolfork, Nasons, Locust Grove, True Blue.

PAGE-Honeyville, Jollett, Newport, Shenandoah, Leaksville, Shirley, Marksville, Luray, Printz Mill, Rileyville, Springfield, Hall's Schoolhouse.

Patrick—Courthouse, Patrick Springs, Liberty, Stella. Penn's Store, Palmetto. Nettle Ridge, Turner's Store, King's Store, Hill's Schoolhouse, Gates' Store. Bell's Spur, Aker's Store, Dehart's Mill, Adam's Store, Charity, Dodson, Elamsville, Buffalo Ridge, Critz.

PITTSYLVANIA-Bryant's, Giles Store, Galveston, Spring Garden, Weal, Elba, rsyllvania—Bryant's, Glies Store, Galveston, Spring Garden, Weal, Elba, Dry Fork, Chatham, Mureville, Sandy River, Banister, Swansonville, Callands, Hollywood, Grasty's Store, Riceville, Cedar Hill, Peytonsburg, Shockoe, Laurel Grove, Keeling, Blair's, Ringgold, Statesville, Kentuck, Ajax, Brights, Menla, Farmers, Toshes, Pullens, Whites, Brutus. Hurt, Chalk Level, Level Run, Renan, Sycamore, Hill Grove, McDowell's Mill, Schoolfield, Cascade, Design, Whitmell, Brosville, Bachelor's Hall, Mount Cross, Java, Straightstone, Grady.

POWHATAN—Ballsville, Smith's Cross-Roads, Powhatan Courthouse, Pineville, Powhatan Station, Sublett's.

PRINCE EDWARD-Farmville, Prospect, Worsham, Briery, Green Bay, Rice,

Abilene, Darlington Heights. PRINCE GEORGE—Templeton, Rives, Blackwater, Brandon, City Point, Sherman's

Cross-Roads.

PRINCESS ANNE—Blackwater, Creeds, Capp's Shop, Wash Woods, Courthouse, London Bridge, Kempsville, Virginia Beach.
PRINCE WILLIAM—Manassas, Wellington, Haymarket, Hickory Grove, Water-

fall, Brentsville, Greenwich, Nokesville, Independent Hill, Horton's Store, Token, Dumfries, Potomac, Occoquan, Hoadley, Aden, Joplin, Catharpin.

Pulaski-Allisonia, Max Creek, River View, Snowville, Dublin, New River, East Pulaski, West Pulaski, Ingles, Newbern, Draper, Bellspring, Hunters. RAPPAHANNOCK—Flint Hill, Amisville, Hawlin, Sperryville, Washington. Wood-

RICHMOND—Farnham, Warsaw, Newland, Emmerton, Sharps.

ROANOKE-John's Shop, Brand's Store. Botetourt Springs, Glenvar, North Salem, South Salem, West Salem, Bonsack, Edington's Shop, Tinker Creek. Vinton, Bent Mountain, Cave Spring, Poage's Mill, Red Hill, Fairview, Crystal Spring.

- ROCKBRIDGE-Lexington, Hartsook's Shop, Glasgow, Glenwood, Oak Bank, Natural Bridge, Broad Creek, Hamilton's Schoolhouse, Collierstown, Montgomery, Big Spring, Smith's Mill, Rockbridge Baths, Brownsburg, Flumen, Goshen, Kennedy's Mill, Timber Ridge, Riverside, Fairfield, Raphine, Campbell's Mill.
- ROCKINGHAM—Swift Run, Elkton, Furnace, McGaheysville, Port Republic, Meyerhoeffer's Store, Cross Keys, Pleasant Valley, Mt. Crawford, Bridgewater, Dayton, Ottobine, Keezletown, Courthouse, Mount Clinton, Mountain Valley, Melrose, Edom, Singer's Glen, Oak Grove, Tenth Legion, Timberville, Broadway, Coote's Store, Wittigs.

  Russell—Lebanon, Cleveland, Honaker, Sword's Creek, Cook's Mill, Johnson, Baylor, Hawkin's Mill, Fugate's, Wampler, Dorton, Carterton, Grigsby,
- Banner.
- Scorr-Addington, Clinchport, Duffield, Estillville, Francis, Hoge's Store, Hilton's, Jenning's, Nickelsville, Peters, Pattonsville, Rye Cove, Stoney Creek, Stony Point, Smith's, Winninger's, Big Cut, Dungannon, Flat Rock, Fairview.
- SHENANDOAH-New Market, Quicksburg, Forestville, Jno. D. Miller's, Mount Jackson, Hudson's Cross-Roads, Cleveland, Jerome, Hamburg, Edinburg, Lantz's Mills, Columbia Furnace, Liberty Furnace, Pine Hill, Dry Run, Tom's Brook, Town Hall, Courthouse, St. Luke, Central Schoolhouse, Borden, Saumsville, Mount Ohve, Fisher's Hill, Lebanon Church, Orando, Strasburg, Conicville.

SMYTH—Atkins, North Marion, South Marion, Seven-Mile Ford, Broad Ford, Chatham Hill, Olympia, Saltville, Blue Spring, Holston Mills, St. Clair Bottom, Williams, Groseclose, Ellendale, Chilhowie.

Sussex-Courthouse, Yale, Henry, Stony Creek, Little Mill, Newville, Littleton, Waverly, Wakefield.

Surry—Wall's Bridge, Surry Courthouse, Baconi Castle, Claremont, Cassley, Spring Cove, Dendron.

STAFFORD—Brooke, Stafford Courthouse, Griffis, Roseville, Stafford Store, Hart-

wood, Falmouth, White Oak, Simpson.

Southampton—Adams' Grove, Drewryville, Boykins, Newsoms, Sunbeam, Courtland, Black Creek, Franklin, Berlin, Ivor, Capron, Pope, Joyner.

Spotsylvania—Partlow, Thornburg, Travelers' Rest, Courthouse, Brent's Mill,

Summit, Todd's Tavern, Parker, Belmont, Brokenburg, Faulkner, Grange Hall.

Hall.

TAZEWELL—Bluestone, Burke's Garden, Cove Creek, Graham, Falls Mills, Pocahontas, Gratton, Tip Top, Benbow, Crockett's Cove, Gap Store, Freestone, North Tazewell, Thompson Valley, Lockhart's Chapel, Liberty Hill, Midway, Pounding Mill, Baptist Valley, Richlands, Dry Fork, Cedar Bluff, Raven, Poor Valley, Boissevain, Jeffersonville.

WARREN—Front Royal, Linden, Cedarville, Keller's, Mildale, Bowman's, Browntown, Bentonville, Riverton, Fork Union, Water Lick, Reliance, Rockland. WARWICK—Morrison, Denbigh, Stanley, Hilton Village.

WASHINGTON—North Abingdon, South Abingdon, Bethel, Greenwood, Friendship, Damascus, Oak Hill, Green Cove, Meadow View, Glade Spring, Mahannaim, Fullers, Hyter's Gap, White's Mill, Greendale, Worley's, Brunley Gap, Peters, Phillips, Ketrons, Mendota, Maxwell, Wyndale, Watermans, Three Springs, Oak Grove, Shakesville, Konnarock, Hayton's Mill.

WISE-Norton, Round Top, Coeburn, Clay House, Bond's Mill, Pound, Big Stone Gap, East Stone Gap, Stonega, Appalachia, Tacoma, Hamilton, Wise, Roaring Fork, Blackwood, Tasso.

WESTMORELAND-Oldhams, Kinsale, Hague, Montross, Warrensville, Oak Grove,

Baynesville, Colonial Beach.

WYTHE—East Wytheville, West Wytheville, Crockett, Royal Oak, Rural Retreat, Zion, Henley's, Porter's Cross-Roads, Austinsville, Foster Falls, Patterson, Graham Forge, Max Meadows, Repass Mill.

YORK-Courthouse, Cockletown, Fort Magruder, Tabernacle.

#### NAMES OF MAGISTERIAL DISTRICTS IN COUNTIES

Accomac-Pungoteague, Lee, Metompkin, Atlantic, Islands.

ALBEMARLE—Scottsville, Samuel Miller, White Hall, Ivy, Charlottesville, Rivanna.

ALEXANDRIA COUNTY—Washington, Arlington, Jefferson.

ALLEGHANY-Boiling Spring, Covington, Clifton.

AMELIA—Leigh, Giles, Jackson.

AMHERST—Courthouse, Temperance, Pedlar, Elon.

Appomattox—South Side, Clover Hill, Stonewall.
Augusta—South River, North River, Beverly Manor, Riverheads, Middle River, Pastures.

BATH-Warm Springs, Cedar Creek, Williamsville, Millboro.

Bedford-Liberty, Lisbon, Chamblissburg, Staunton, Otter, Bellevue, Forest, Charlemont.

BLAND—Sharon, Seddon, Mechanicsburg, Rocky Gap.
BOTETOURT—Amsterdam, Fincastle, Buchanan.
BRUNSWICK—Powellton, Meherrin, Red Oak, Sturgeon, Totaro.

BUCHANAN—Grundy, Garden, Rock Lick.

Buckingham—Mayesville, Curdsville, Slate River, Marshall, Francisco, James River.

CAMPBELL—Rustburg, Seneca, Falling River, Otter River, Brookville.
CAROLINE—Madison, Reedy Church, Bowling Green, Port Royal.
CARROLL—Pine Creek, Laurel Fork, Fancy Gap, Piper Gap, Sulphur Springs.
CHARLES CITY—Harrison, Tyler, Chickahominy.

CHARLOTTE—Madison, Walton, Bacon, Roanoke, Midway, Central.
CHESTERFIELD—Dale, Clover Hill, Midlothian, Matoaca, Manchester, Bermuda.

CLARKE—Greenway, Chapel, Battletown, Long Marsh.
CRAIG—New Castle, Alleghany, Simmonsville.
CULPEPER—Stevensburg, Cedar Mountain, Catalpa, Salem, Jefferson.
CUMBERLAND—Randolph, Madison, Hamilton.
DICKENSON—Clintwood, Willis, Ervington, Kenady, Sand Lick.
DINWIDDIE—Rowanty, Namozine, Darvills, Sapony.
Evan Dry, Chappene M. Hamilton, Withba ELIZABETH CITY—Chesapeake, Hampton, Wythe.

Essex—Occupacia, Central, Rappahannock.

FAIRFAX—Falls Church, Providence, Dranesville, Mount Vernon, Lee, Centre-

FAUQUIER—Centre, Scott, Marshall, Lee, Cedar Run.

FLOYD-Courthouse, Burks Fork, Indian Valley, Alum Ridge, Little River, Locust Grove.

FLUVANNA—Columbia, Palmyra, Fork Union, Cunningham.

Franklin-Rocky Mount, Snow Creek, Union Hall, Gills Creek, Bonbrook, Little Creek, Maggodee, Blackwater, Long Branch, Brown Hill.

Frederick—Shawnee, Opequan, Back Creek, Gainsboro, Stonewall.

GILES-Pearisburg, Pembroke, Walker's Creek, Newport.

GLOUCESTER-Petsworth, Ware, Abingdon.

GOOCHLAND—Dover, Licking Hole, Byrd. GRAYSON—Elk Creek, Wilson, Old Town.

Greene-Standardsville, Ruckersville, Monroe.

GREENSVILLE-Belfield, Hicksford, Zion.

HALIFAX-Banister, Meadsville, Mt. Carmel, Birch Creek, Roanoke, Staunton, Red Bank, Black Walnut.

HANOVER—Beaver Dam, Ashland, Henry. HENRICO—Varina, Tuckahoe, Fairfield, Brookland.

HENRY-Martinsville, Ridgeway, Horse Pasture, Leatherwood, Reed Creek, Irisburg.

HIGHLAND-Headwaters, Monterey, Blue Grass. ISLE OF WIGHT-Windsor, Newport, Hardy.

JAMES CITY-Jamestown, Stonehouse, Powhatan. KING GEORGE—Rappahannock, Potomac, Shiloh. KING AND QUEEN—Newtown, Stevensville, Buena Vista. KING WILLIAM-West Point, Acquinton, Mangohick. LANCASTER-White Stone, Mantua, White Chapel.

LEE-Rose Hill, White Shoals, Jonesville, Rocky Station, Yokum Station. LOUDOUN-Broad Run, Jefferson, Mount Gilead, Mercer, Lovettsville, Leesburg. LOUISA—Green Springs, Louisa Courthouse, Cuckoo, Jackson, Mineral. LUNENBURG—Loch Leven, Columbian Grove, Brown's Store, Lewiston, Rehoboth,

Pleasant Grove, Plymouth.

Madison-Robertson, Rapidan, Locust Dale.

MATHEWS-Chesapeake, Westville, Piankitank.

MECKLENBURG-Boydton, Blue Stone, Chase City, Buckhorn, South Hill, Palmer's Springs, Clarksville, La Crosse.

MIDDLESEX—Jamaica, Saluda, Pine Top.

MONTGOMERY—Alleghany, Auburn, Blacksburg, Christiansburg.

NANSEMOND-Sleepy Hole, Chuckatuck, Holy Neck, Cypress.

NELSON—Lovingston, Massie's Mill, Rockfish.

NEW KENT—Black Creek, St. Peter's, Cumberland, Weir Creek.

NORFOLK COUNTY—Washington, Butt's Road, Pleasant Grove, Deep Creek,

Western Branch, Tanner's Creek.

Northampton-Frankton, Eastville, Capeville.

NORTHUMBERLAND-Lottsburg, Heathsville, Fairfields, Wicomico.

Nortoway-Bellfronte, Blendon, Winningham, Haytokah.

Orange—Barbour, Madison, Taylor, Gordon.
Page—Shenandoah Iron Works, Marksville, Luray, Springfield.

PATRICK—Mayo River, Dan River, Smith's River.
PITTSYLVANIA—Banister, Callands, Chatham, Dan River, Pigg River, Staunton River, Tunstall.

Powhatan-Hugenot, Spencer, Macon.

PRINCE EDWARD—Hampden, Lockett, Farmville, Leigh, Buffalo. PRINCE GEORGE—Templeton, Rives, Blackwater, Bland, Brandon.

PRINCESS ANNE—Kempsville, Seaboard, Pungo.
PRINCE WILLIAM—Dumfries, Occoquan, Coles, Brentville, Manassas, Gainesville.

Pulaski-Pulaski, Newbern, Dublin, Hiawassie.

RAPPAHANNOCK-Wakefield, Jackson, Hampton, Piedmont, Hawthorne, Stone-

RICHMOND COUNTY—Stonewall, Marshall, Washington, Farnham.
ROANOKE COUNTY—Big Lick, Catawba, Cave Spring, Salem.
ROCKBRIDGE—South River, Lexington, Kerr's Creek, Buffalo, Natural Bridge, Walker's Creek.

ROCKINGHAM—Ashby, Linville, Plains, Stonewall, Central. RUSSELL—Lebanon, Elk Garden, New Garden, Cleveland, Castlewood, Copper Creek, Moccasin.

Scorr-Estillville, Fulkerson, Johnson, Floyd, Dekalb, Powell, Taylor.

STOTTSYLVANIA-Courtland, Chancellor, Livingston, Berkley.

SMYTH-Marion, Rich Valley, St. Clair.

SOUTHAMPTON-Boykin's, Newsom's, Drewryville, Franklin, Jerusalem, Berlin and Ivor, Capron.

SPOTSYLVANIA—Courtland, Chancellor, Livingston, Berkley.

STAFFORD-Hartwood, Rock Hill, Aquia, Falmouth.

Surry—Blackwater, Guilford, Gobham.

Sussex—Courthouse, Henry, Newville, Stony Creek, Wakefield, Waverly. TAZEWELL—Clear Fork, Jeffersonville, Maiden Spring. WARREN—South River, Front Royal, Fork, Cedarville.

WARWICK-Stanley, Denbigh, Newport.

WASHINGTON-Abingdon, Goodson, Holston, Glade Spring, Saltville, Kinderhook, North Fork.

WESTMORELAND—Washington, Montross, Cople.
WISE—Richmond, Lipps, Robertson, Gladeville.
WYTHE—Ft. Chiswell, Lead Mines, Speedwell, Black Lick, Wytheville.
YORK—Bruton, Nelson, Grafton, Poquoson.

#### NAMES AND NUMBER OF WARDS IN CITIES

CITY OF ALEXANDRIA—First Ward, Second Ward, Third Ward, Fourth Ward. CITY OF BRISTOL-First Ward, Second Ward, Third Ward. Only one voting precinct. CITY OF BUENA VISTA-First Ward, Second Ward. CITY OF CHARLOTTESVILLE-First Ward, Second Ward, Third Ward, Fourth CITY OF CLIFTON FORGE—First Ward, Second Ward, Third Ward, CITY OF DANVILLE-First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward. CITY OF FREDERICKSBURG-Upper Ward, Lower Ward.
CITY OF HAMPTON-First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward. CITY OF HOPEWELL-CITY OF HARRISONBURG—First Ward, Second Ward.
CITY OF LYNCHBURG—First Ward, Second Ward, Third Ward. CITY OF NEWFORT NEWS—First Ward, Second Ward, Third Ward, Fourth Ward. CITY OF NORFOLK—Adams Ward, Jefferson Ward, Madison Ward, Monroe Ward, Washington Ward.

CITY OF PORTSMOUTH—Jackson Ward, Jefferson Ward, Madison Ward, Marshall Ward, Monroe Ward, Lee Ward, Washington Ward, Harrison Ward.

CITY OF PETERSBURG—First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward. CITY OF RADFORD—West Ward, East Ward.
CITY OF RICHMOND—Jefferson Ward, Madison Ward, Lee Ward, Clay Ward.
CITY OF ROANOKE—Highland Ward, Jefferson Ward, Kimball Ward, Melrose Ward, Raleigh Court. CITY OF STAUNTON—No. 1 Ward, No. 2 Ward. CITY OF SUFFOLK—First Ward, Second Ward, Third Ward, Fourth Ward. CITY OF WILLIAMSBURG— CITY OF WINCHESTER—First Ward, Second Ward.

#### COMMISSIONER OF DEEDS FOR VIRGINIA

CITY OF SOUTH NORFOLK—Three voting precincts; wards not given.

•	
•	When
NEW YORK.	Commissioned
McCarthy, Chas, E. A120 Broadway, New York	_ June 16, 1920
McCarthy, Chas. E. A120 Broadway, New York	. Nov. 17, 1921
Braman, Ella F540 W. 15th St., Apartment A, New York	. Jan. 26, 1922
PENNSYLVANIA.	
Hunt, Thos. J623 Walnut Street, Philadelphia	June 16, 1921
Appointed for a term of two years.	

#### REPORT OF SECOND AUDITOR

#### Account of the State's Indebtedness

Taken from the Report of the Second Auditor for the Fiscal Year Ending September 30, 1921.

#### **GENERAL STATEMENTS**

Statement A shows the various forms and details of the Public Debt.

B that of the Literary Fund.

C that of the Sinking Fund.

#### DEFINITIONS OF TITLES OF THE SEVERAL CLASSES OF BONDS SPECIFIED IN THIS REPORT.

Sterling Bonds are those issued in pounds (English money).

(2) Dollar Bonds, those issued in United States currency.
(3) 1866-7, those issued under act of March 2, 1866.
(4) Consol Bonds, those issued under act of March 30, 1871.
(5) Peeler Bonds, those issued under act of March 30, 1871, as amended March 3, 1872. by act of March 7, 1872.

(6) Ten-Forty Bonds, those issued under act of March 28, 1879.

(7) Old Unfunded Bonds, those issued under acts passed prior to April 17, 1861. (8) Black Scrip, certificates issued for balance of unpaid interest, under

act of March 13, 1873.

(9) Riddleberger Bonds, those issued under acts of February 14, 1882, and

November 29, 1884. (10) Century Bonds, those issued under act of February 20, 1892, and under that act as amended January 31, 1894, January 23, 1896, January 25, 1898, February 3, 1900, February 16, 1901, April 2, 1902, March 10, 1906, March 11, 1908, March 14, 1910, March 12, 1912, March 21, 1914, March 21, 1916, March 15, 1918, and March 16, 1920.

(11) Schools and Colleges, etc., Certificates, those issued under acts of February 26, 1877, February 23, 1892, January 15, 1894, and February 29, 1908.

# A

Public Debt on Which Interest is Being Paid, September 30, 1924.

# Debt Under Act of February 14, 1882, and as Amended November 29, 1884

## (RIDDLEBERGER.)

## Principal.

Frincipal.	
The amount of bonds and certificates bearing three per cent pe annum interest, issued under acts of February 14, 1882, and Names to 20, 1884 is:	đ
November 29, 1884, is	
retired \$4,431,707.85, as follows:  Received from the Richmond and Danville Railroad  Company, in settlement of its indebtedness to the	
State and cancelled:	
Coupon bonds \$144,500 00 Registered bonds and fractional certificates \$294,399 45	
From the Upper Appomattox Company, in settlement of its indebtedness to the State, and cancelled:	
Coupon bonds\$ 10,500 00 Registered bonds and fractional cer-	
tificates	
From defaulting officers and their sureties, on account of indebtedness to the State, and cancelled 152,967 54	
Amount held by the Sinking Fund Commissioners at the time of passage of the act of February 20,	
1892, and cancelled under its requirements	
burg and Potomac Railroad and other sources to September 30, 1910	
Fund under the funding act of February 20, 1892, from September 30, 1910, to September 30, 1921 918,800 00	
170m September 30, 1910, to September 30, 1921 910,000 00	4,431,707 85
Leaving outstanding	\$4,857,154 16
Of which there are held: By the Literary Fund (including \$1,084,227.28 received in funding), under acts of February 14, 1882, and November 29, 1884, State stock be-	
1882, and November 29, 1884, State stock belonging to the fund	
Investment Fund	
and its amendment of November 29, 1884 3,267,826 88	\$4,857,154 16
	Ţ .,007 ,10 . 10



•		
Amount of each class outstanding September 30, 1921	:	
Registered bonds		
Coupon bonds	1,087,000 00	
Fractional certificates	654 16	
•		\$4,857,154 16
West Virginia certificates, issued in funding the \$9,288,862.01, but which are no part of Virginia's West Virginia interest-bearing certificates	debt:	\$1,031,551 88
And West Virginia non-interest-bearing certificat	es	/44,051 00
		\$1,775,603 48
Under acts of both February 14, 1882, and Februar coupon bonds are interchangeable at the pleasure of the of a fee of fifty cents for each new bond so issued.	ary 20, 1892, the holders, of	registered and n the payment
Debt Under Act of February 2	20, 1892	
(CENTURY.)		
Bonds and Certificates Issued under Acts of February thereto, vis.: January 31, 1894, January 23, 1896, . 3, 1900, February 16, 1901, April 2, 1902, March March 14, 1910, March 12, 1912, March 21, 1914, 1918, and March 16, 1920.	20, 1892, and January 25, 1 10, 1906, M March 21, 19	l Amendments 898, February arch 11, 1908, 016, March 15,
The bonds presented by the Bondholders' Commit act of February 20, 1892, were delivered in aggregate 349.75, and for them the State issued a manuscript being the prescribed rate of 19 for 28. This manuscronverted into both registered and coupon bonds as pared by the engravers.  To Bondholders' Committee	and amounteend for \$16,3 ript bond was soon as they 16,359,860 00	ed to \$24,622,- 59,860.00—that s subsequently could be pre-
Total issue		\$18.101.083 50
From which the following deductions are to be made: Received from defaulting officers and their sureties, and cancelled	3,357 26 1,399,800 00 2,520,000 00	
		\$ 3,923,157 26
Leaving outstanding	<b></b>	\$14,177,926 24
Of which there is held by the Literary Fund\$ State Board of Education, for Retired Teachers' Investment Fund		
Leaving in the hands of the public	13,160,826 24	•
		\$14,177,926 24

The amount of each class outstanding September 30, 1921, follows:  Registered bonds	. 3,840,000 826	00 24	h1 4 177 02/	24
West Virginia certificates issued in funding the above \$18,101,083.50 of Century bonds, but are no part of Virginia's debt:  West Virginia interest-bearing certificates	3 289,691	98 67	\$14,177,926 	=
School and College and Asylum and Chu	rch Cert	ific	ate Debt	
Under act of February 27, 1877 Under act of February 23, 1892 Under act of January 15, 1894 Under act of February 29, 1908			516,468 1,943,387 6,600 1,150	85 00
The second of th		5	2.467.605	85

# STATEMENT OF THE DEBT OF VIRGINIA

September 30, 1921.

	·			=
Entire amount outstanding	······································	\$21	,928,438	81
Amount of the unfunded debt		\$ 2	425,752 1,502,686	56 25
On which interest is being paid as follows: Principal.			Interest.	
\$14,177.926 24 Century bonds, bearing 3 per cent. 4,857,154 16 Riddleberger bonds, bearing 3 per cent. 2,383,655 85 Schools and colleges, certificates bear 82,800 00 Schools and colleges, certificates bear 1,150 00 St. Paul's Church Endowment Fu	cent aring 6 per cent. aring 5 per cent.	\$	425,337 145,714 143,019 4,140 69	62 35 00
<b>\$21,502,686 25</b>		\$	718.280	76
Interest on bonds purchased and cancelled by the	Sinking Fund.	<b>\$</b>	122,346	= 00
The foregoing \$18,101,083.50 of Century bond issued in lieu of the following amounts of old de \$27,296,593.95, and includes West Virginia's par below.	ds, as shown on ebts surrendered	pa , an	ge 11, we	ere to
Recapitulation of bonds and interest surrendered:			_	
	Principal.		Interest.	
By the Bondholder's Committee	\$18,133,467 78	\$	6,528,881	97
To the Commissioners of the Sinking Fund prior	to			
January 31, 1894	272,534 89		174,780	
Under act of January 31, 1894	896,087 01		577,930	
Under act of January 23, 1896	<b>3</b> 28,606 69		42,061	
Under act of January 25, 1898	78,029 92		84,589	
Under act of February 3, 1900	4,103 10 15,169 68		4,540 22,050	
Under act of February 3, 1900 Under act of February 16, 1901	9,112 30		11,884	
Under act of April 2, 1902	20,064 68	, 2	12,784	10
Under act of March 10, 1906			5.510	
Under act of March 11, 1908			2,363	
Under act of March 14, 1910.			8,574	
Under act of March 12, 1912			1,144	
Under act of March 21, 1914			1,866	59
Under act of March 21, 1916	800 00	)	1,328	
Under act of March 15, 1918	5,131 43	3	4,235	62
Under act of March 16, 1920	12,668 39	)	15,203	01
·	\$19,796,862 96	5 \$ : =	7,499,730	99
West Virginia's portion of bonds and interest sur	eranderad:			
		¢	553,032	30
By the Bondholder's Committee To the Commissioners of the Sinking Fund		. Ф 	71,315	
•		\$	624,397	65

# Total Principal and Interest Outstanding

Which is Yet Fundable Under Act of February 20, 1892.

The ammount of bonds and certificates outstanding September 30, 1921, issued under acts passed prior to February 14, 1882 (the unfunded bonds, reduced one-third for West Virginia's 'portion), less the amount funded to date, is......\$

160,174 45

#### Interest.

The amount of interest outstanding due to and including July 1, 1891, exclusive of any interest that may be unpaid on bonds issued under acts of February 14, 1882, and February 20, 1892, less the amount funded since, is.....

265,578 11

425,752 56

The above amount of principal and interest yet outstanding is subject to the discount as set forth in the scale of fundings as on page 15.

### Virginia's Debt as It Appeared in 1871

The debt—principal and interest—July 1, 1871, the time of the beginning of the operation of the first funding act, as reported by the Second Auditor, September 30, 1872, was...... \$45,718,112 23 Of which one-third was set aside as West Virginia's portion...... 15,239,370 74

# Virginia's Debt as It Is at Present

#### Interest-Bearing.

Riddleberger bonds, bearing 3 per cent..... Schools and colleges, certificates bearing 6 per cent. Schools and colleges, certificates bearing 5 per cent. St. Paul's Church Endowment Fund, bearing 6 per

4,857,154 16 2,383,655 85 82,800 00

> 1.150 00 21.502.686 25

# Old Unfunded—Non-Interest-Bearing.

160.174 45 Interest ..... 265,578 11

425,752 56

\$21,928,438 81

# Terms Prescribed for Funding Under Act of February 20, 1892

The distribution to those creditors who deposited with the Commissioners of

the Sinking Fund under act of February 20, 1892, was fixed as follows:

To each of the several classes of said depositing creditors the same proportion, as nearly as may be found in their judgment practicable by the Commissioners of the Sinking Fund, as the same class shall receive under the distribution which shall be made by the Commission for the creditors represented by the Bondholders' Committee.

The following rates were fixed by the Commission of Distribution:

PRINCIPAL	Discount	PER CENT.
Consol coupon and registered bonds and fractional certificates issued under act of March 30, 1871, coupons (and registered interest in case of registered bonds and fractional certificates) due January 1, 1892, and subsequent, to be surrendered with the bonds and certificates offered for funding	313⁄4	681/4
Ten-forty coupon and registered bonds and fractional certificates issued under act of March 28, 1879, coupons (and registered interest in case of registered bonds and fractional certificates) due January 1, 1892, and subsequent, to be surrendered with the bonds and		
certificates offered for funding	341/2	651/2
On two-thirds of principal of unfunded coupon and registered dollar and sterling bonds (West Virginia certificate given for the other one-third), coupons (and registered interest in case of registered bonds and fractional certificates) due January 1, 1892, and subsequent, to be surrendered with the bonds and certificates offered for funding	l .	57.2775 57.2775
INTEREST.		,
Consol coupons due July, 1891, and priorInterest on consol registered bonds and fractional cer-	25	75
tificates due July, 1891, and prior	25	75
and prior	25	75
fractional certificates due July, 1891, and prior  Interest on two-thirds of unfunded coupon and registered dollar and sterling bonds due July, 1891, and prior (West Virginia certificates for one-third of the	693⁄4	301/4
interest is given)	693/4	301/4
balance unpaid in paying interest on consol bonds	25	75
on unfunded and peeler bonds	693/4	301/4

The bonds issued in funding under the present act of February 20, 1892, and the several amendments thereof, bear interest from the semi-annual period next preceding the date of issue.

They are dated 1st July, 1891, and run one hundred years, and are both registered and coupon, and in denomination as follows: Registered, of \$100, \$500, \$1,000, \$5,000, and \$10,000; coupon, of \$500 and \$1,000. They bore interest at the rate of two per cent per annum for the first ten years, and are now bearing three per cent for the remaining ninety. This interest is payable semi-annually, on the first days of January and July of each year at the office of the Second Auditor, in Richmond. They are redeemable 1st July, 1991, or at the pleasure

of the State at any time since the 1st July, 1906, principal and interest at par. All funding is required to be done in person or by attorney. When done under decree of court, a full copy or extract of the same must be filed in this office, and when by executor, administrator, or guardian, a court's certificate of qualification of the fiduciary is required, unless the stock stands in the name of such personal representative, guardian, etc.

In the above-mentioned act of February 20, 1892, and also of February 14, 1882, there is a section which at once offers to trust funds a safe investment and secures against loss such fiduciaries as invest in State bonds.

The section in act of February 20, 1892, reads as follows:

"11. Executors, administrators, and others acting as fiduciaries may participate in the settlement of the debt herein specified in the manner hereinbefore provided, and such action shall be deemed a lawful investment of their trust funds. Executors, administrators, and others acting as fiduciaries, may invest in bonds issued under this act, and the same shall be considered a lawful investment."

The section in act of February 14, 1882, reads as follows:

"12. Executors, administrators, and others acting as fiduciaries may exchange any State bonds held by them, as provided for bonds issued under this act, when so authorized by the court having jurisdiction in the premises, and the same, when so made, shall be considered a lawful investment."

## Interest Paid in Fiscal Year Ending September 30, 1921

On bonds issued under act of February 14, 1882, and amendment of November 29, 1884	180.045	32
On bonds issued under act of February 20, 1892, and the several	513,810	
On certificates issued under act of February 23, 1892 (schools and colleges), and to the Dawson Fund	147,228 44	32 06
\$	841,127	84
The account of interest on the public debt shows a balance in the treasury to the credit of the Commonwealth on September 30.  1921	8,719	79

# Tax-Receivable Coupons Received on Judgments Since the Repeal of the Tax-Receivable Coupon Act

The following are annual statements of the tax-receivable coupons received on judgments up to date and paid in the Second Auditor's office, under the acts of January 14 and 26, 1882, and May 12, 1887, during the fiscal year ending September 30th:

September 30				
For the year	1882	\$	483	
			40,540	50
For the year	1884		172,997	
For the year	1885	•••••••••••••••••••••••••••••••••••••••	50,164	
			56,186	50
For the year	1887	***************************************	81,620	50
For the year	1888		258,938	00
For the year	1889	***************************************	214,580	00
For the year	1890		116,782	50
For the year	1891	***************************************	25,657	50
			60.071	50
			166,699	00
For the year	1894	***************************************	48,266	50
			24,458	00
			5,456	00
		***************************************	6,783	00
			3,453	
For the year	1899		13,693	50
			778	
			11,521	
			1.853	
		***************************************	178	
			192	
			133	
			96	
			141	
For the year	1009		210	
For the year	1000		220	
			968	
			181	
For the year	1012	······································	127	
For the year	1012	-	281	
For the year	1913		106	
			45	
For the year	1915		137	
For the year	1910		96	
For the year	1917		33	
For the year	1918			
For the year	1919		1,029	
			330	
For the year	1921			••••
Aggregate	e to S	September 30, 1921	,365,489	50

Digitized by Google

#### LITERARY FUND

Investments in State Bonds Which Are Now Held by the Literary Fund.

## Under Act of February 14, 1882

Received of Board of Education by funding September 27, 1886\$1,084,227 20	В
Purchased out of Literary Fund fines, escheated property, and the	
proceeds of the payments of bonds of the Richmond and Dan- ville Railroad Company, held by the fund, 3 per cent bonds 495,700 00	)
\$1 579 927 2	R

## Under Act of February 20, 1892

The Literary Fund holds of Century bonds	930,400 00
Under acts of February 23, 1892, and of March 12, 1912, New London Academy certificate	6,500 00
Making a total of bonds held by the Literary Fund\$	2,516,827 28

#### **BONDS CANCELLED BY SINKING FUND**

## The Sinking Fund Holds No Bonds Now

Since the last report, the Commissioners of the Sinking Fund cancelled

\$225,600.00 Century and \$191,460.00 Riddleberger bonds, making,	with other
cancellations, as follows:	
	242,266 67
Of issue of old unfunded—Surrendered by the United States in	
the settlement made with them on April 3 and 4, 1903	594,800 00
Of issue of March 2, 1866	3,500 00
Of issue of March 30, 1871	43,014 27
Of issue of March 7, 1872	5,317,157 63
Of issue of March 28, 1879	294,387 81
Of issue of February 14, 1882	4,431,707 85
Of issue of February 20, 1892	3,923,157 26
	• •

\$14,849,991 49

NOTE.—Amount of fractional certificates held by Sinking Fund not consolidated in bonds, \$28.18.

### West Virginia Certificates

In addition to the above bonds cancelled by the State, it hold uncollectible West Virginia certificates to the amount of	is \$2,745,462 11
Sinking Fund	\$2,026,439 49 719,022 62

Note.—The Supreme Court of the United States entered a decree on the 6th day of March, 1911, fixing the principal of the debt due by West Virginia on such certificates at \$7,182,507.46. The question of the interest to be paid on the above principal sum found to be due was not then determined. The suggestion of the court that the matter of interest should be adjusted between the parties litigant resulted in a commission being appointed by West Virginia to consider the question with the commissioners appointed by Virginia, but was unavailing; and this matter, as well as the claim of West Virginia for an interest in the assets charged as held by the old State, was referred by the court to a special master for report thereon. On the 14th day of June, 1915, the court, acting upon such report, amended its former decree and gave judgment for \$4,215,622.28 of principal and \$8,176,307.22 of interest, with five per cent interest per annum on the total amount from July 1, 1915, and on April 1, 1919, the State of West Virginia passed an act and settled her debt as follows: By paying to the Virginia Debt Commission \$1,062,867.16 in cash and \$12,366,500.00 in three and one-half per cent interest-bearing bonds, such interest payable July 1st and January 1st of each year. Such bonds are payable in twenty (20) years. West Virginia held \$1,133,500.00 to meet certificates not presented to the Virginia Commission prior to April 1, 1919, the date of the act of settlement. Since the last report the Debt Commission has collected \$272,275.37, leaving in the hands of West Virginia Reserve bonds, \$861,224.63.

## Internal Improvement Fund

The following amounts have been received at various times from turnpike companies on account of dividends on stock held by the State, and placed in the treasury to the credit of the Sinking Fund, act of March 5, 1894:

om North Frederick Turnpike Company, August 15, 1888, a	450 0
dividend of	
om Berryville Turnpike Company, dividend—February 7, 1890	143 (
August 5, 1891	143 0
September 1, 1892	143 0
September 14, 1893	143 (
August 29, 1894	143 0
August 27, 1077	143 0
September 20, 1895	
November 2, 1896	286 (
December 15, 1897	286 0
October 7, 1898	<b>286</b> 0
October 7, 1899	286 (
October 18, 1900	286 0
Onester 12, 1902	286 0
October 13, 1902	
October 23, 1905	429 (
August 26, 1909	286 (
August 26, 1910	286 (
October 28, 1919	429 (
September 16, 1920	858 (
	858 (
September 9, 1921  December 2, 1920, from Northwestern Turnpike Company	158 5

\$ 6,328 52

#### SCHOOLS AND COLLEGES

Statement of Registered Certificates of the State Issued to Schools and Colleges Under the Several Acts as Specified Below, Including Especially the

ACT FEBRUARY 23, 1892, ENTITLED "AN ACT FOR THE RETIREMENT OF BONDS HELD BY SCHOOLS AND COLLEGES, AND THE ISSUING OF REGISTERED CERTIFICATES THEREFOR, AND PROVIDING FOR THE PAYMENT OF INTEREST THEREON."

TO WASHINGTON AND LEE UNIVERSITY\$	Principal. 236.758 23	An \$	nual Int. 14,205 48
In lieu of— Old James River stock\$ James River and Kanawha Company stock Unfunded registered State stock Old unfunded coupon bonds, a donation to Wash-	50,000 00 13,100 00 28,658 23	<u>.</u>	3,000 00 786 00 1,719 48
ington and Lee University by the late George Peabody, of England	145,000 00		8,700 00
	236,758 23	\$	14,205 48
THE VIRGINIA MILITARY INSTITUTE	20,000 00	\$	1,200 00
Unfunded registered State stock\$	16,100 00	\$	966 00
Funded registered bonds, second series Jackson- Hope medal fund	3,900 00		234 00
\$ =	20,000 00	\$	1,200 00
EMORY AND HENRY\$	600 00	\$	36 00
Unfunded registered State stock\$	600 00	<b>\$</b>	36 00
LEESBURG ACADEMY\$	2,500 00	\$	150 00
Unfunded registered State stock\$ Unfunded coupon bond	2,000 00 500 00	\$	120 00 30 00
\$ 	2,500 00	\$	150 00
NEW LONDON ACADEMY (Assigned to Literary Fund, act March, 1912)\$	6,500 00	\$	390 00
In lieu of— Unfunded registered State stock\$	6,500 00	\$	390 00
RANDOLPH-MACON COLLEGE\$	19,708 00	\$	1,182 48
In lieu of— Unfunded registered State stock	19,708 00	\$	1,182 48

TRUSTEES OF RANDOLPH-MACON COLLEGE		Principa	l.	Anı	ual Int.
FOR RANDOLPH-MACON WOMAN'S COLLEGE AT LYNCHBURG, VA	,	49,600 0	00	\$	2,976 00
In lieu of— Order consol coupon bonds	<del></del>	49,600 0	0	\$	2.976 00
•	=		=,	=	
THE UNIVERSITY OF VIRGINIAIn lieu of—	_	102,600 (	00	\$	6,156 00
Unfunded registered State stockFunded registered consol bonds, donation of Mr W. W. Corcoran, of Washington City, to the	•	2,600 (	00	\$	156 00
University		100,000 (	00		6,000 00
·	\$	102,600 (	00	\$	6,156 00
			_		
UNIVERSITY OF VIRGINIA, MILLER FUND In lieu of—	.\$	46,000 (	00	\$	2,760 00
Unfunded registered State stock	.\$	46,000 (	00	\$	2,760 00
			_		
RICHMOND COLLEGE	.\$	44,017	19	\$	2,641 02
In lieu of— Unfunded registered State stock	\$	44,017	19	\$	2,641 02
	=		=		
HALL'S FREE SCHOOLIn lieu of—	\$	4,800	00	\$	288 00
Unfunded registered State stock	\$	4,800	00	\$	288 00
SEMINARY AND HIGH SCHOOL, ALEXAN DRIA, VA.	.\$	59,900	00	\$	3,594 00
In lieu of— Unfunded registered State stock	\$	31,900		\$	1,914 00
James River and Kanawha Company stock	·	28,000	_		1,680 00
	\$	59,900	00 ==	\$	3,594 00
WILLIAM AND MARY COLLEGE In lieu of—	_		00	\$	2,154 00
Unfunded registered State stockOld James River Company stock	\$	24,900 11,000		\$	1,494 00 660 00
Old James River Company Stock	 \$	35,900	_	\$	2,154 00
	Ψ	33,700	=	Ψ	2,134 00
SCHOOL COMMISSIONERS OF PRINCE WIL					
LIAM COUNTY		1,400	00	\$	84 00
In lieu of— Unfunded registered State stock	\$	1,400	00	\$	84 00
	=		=	=	

		ncipa	ıl.	An	nual Is	ıt.
HAMPDEN-SIDNEY COLLEGE	\$ 96	353	33	\$	5,772	20
In lieu of— Unfunded registered State stock	\$ 70	.550 (	<u></u>	\$	4,233	<u></u>
Consol coupon bonds	. 23	,500			1,410	00
Funded peeler coupon bonds	. 1.	400 (	00		84	00
Ten-forty coupon bonds (5 per cent.)	•	400	00			00
Ten-forty registered bonds (5 per cent.)	•	500			25	00
Funded fractional certificates (6 per cent.)		3	აა —			20 —
	\$ 96	353	33	\$	5,772	20
UNION THEOLOGICAL SEMINARYIn lieu of—	\$ 137,	695 (	00	\$	8,261	70
Unfunded registered State stock	\$ 116	005 (	m	\$	7,019	70
Consol coupon bonds		700		Ψ	1,242	
•	<b>A</b> 127	COT	_	_	<u> </u>	
	\$ 137,	095	₩	<u>\$</u>	8,261	<u>/U</u>
ISSUED UNDER ACT FEBRUARY 26, 1877: To Virginia Agricultural and Mechanical College, at Blacksburg, Montgomery county, Virginia, and Hampton Normal and Agricultural Institute, at Hampton, Virginia, a certificate of debt of the State, issued under said	· · · · · · · · · ·					
act of February 26, 1877, for	\$ 516	,468 (	00	\$	30,988	08
In lieu of— Funded registered consol bonds	t 160	300 0	<u>~</u>	\$	10.098	
Funded registered bonds—Peeler, second series	φ 100, 141	400 (		Ψ	8,484	
Unfunded registered bonds	. 79.	268 (	00		4,756	
Unfunded coupon bonds	127	500 (	00		7,650	
\$	516,4	68 00	0	\$	30,988	08
Of which the college of Pleakshure is entitled						
Of which the college at Blacksburg is entitled to (two-thirds)	t 344	312 (	nn.	\$	20,658	72
And the college at Hampton to (one-third)		156		Ψ	10,329	
	\$ 516.	468 (		\$	30,988	
	φ 510,	100	=	=	30,300	<u>=</u>
MILLER MANUAL LABOR SCHOOL OF ALBE-						
MARLE		868 4	49	\$	61,939	10
In lieu of— Funded registered consol bonds	\$ 000	200	<u></u>	\$	54,552	
Funded registered peeler bonds	φ 202, 60	300	nn.	Ψ	3,618	
Ten-forty registered bonds (5 per cent.)	75	300			3.765	
Funded consols fractional certificates (6 per	•				-,	
cent.)		68 4	<b>49</b> —		4	10
	\$1,044	868	49	\$	61,939	10
			=	==		
DAWSON FUND—Held by the Literary Fund in	1					
trust for educational purposes in Albemarle	; \$ 3 <i>1</i>	187	61	\$	2,051	26
In lieu of—	<u> </u>			Ψ —		
Unfunded registered State stock	\$ 34	,187	61	\$	2,051	26

ISSUED UNDER ACT OF JANUARY 15, 1894: A registered certificate of the State, under act of January 15, 1894, to the trustees of St.	Principal.	An	inual I	nt.
Joseph's Academy and Orphan Asylum, of Richmond, for	6,600 <b>00</b>	\$	330	00
In lieu of— Ten-forty coupon bonds (5 per cent)\$ Ten-forty coupons	5,000 00 1,600 00	\$	250 80	
	6,600 00	\$	330	00
ST. PAUL'S ENDOWMENT FUND, Inc.—A registered certificate of the State, issued under act of February 29, 1908	1,150 00	\$	69	00
Making the above-named certificates— Principal			67,605 47,228	

All the above specified bonds and stocks in lieu of which registered certificates of the State were issued under the said acts of February 26, 1877. February 23, 1892, January 15, 1894, and February 29, 1908, were cancelled and filed in the office of the Treasurer.

ROSEWELL PAGE, Second Auditor of Virginia.

#### **DETAILED STATEMENT**

Of the Balance of the Unfunded Part of the Public Debt, September 30, 1921.

#### Of the following classes:

BONDS AND CERTIFICATES NOW OUTSTANDING, ISSUED UNDER ACT OF MARCH 30, 1871.

#### (Consols.)

Coupon bonds—having thereon tax-receivable coupons—amount outstanding September 30,		
1921\$	15,500 00	•
Registered bonds and fractional certificates— amount outstanding September 30, 1921	7,712 49	\$ 23,212 49

BONDS AND CERTIFICATES NOW OUTSTANDING IS-SUED UNDER ACT OF MARCH 30, 1871, AND THAT ACT AS AMENDED BY ACT OF MARCH 7, 1872.

#### (Peelers.)

Coupon bonds—amount outstanding September 30,	300 00
Registered bonds and fractional certificates— amount outstanding September 30, 1921	3,936 29

\$ 4,236 29 \$ 27,448 78

BONDS AND CERTIFICATES ISSUED UNDER ACT MARCH 28, 1879.	
(Ten-Forties)	
Coupon bonds (dollar and sterling), having tax-receivable coupons thereon—amount outstanding September 30, 1921	\$ 7,800 00
OLD UNFUNDED—ACTS PRIOR TO APRIL 17, 1861, AND MARCH 2, 1866, ALSO STERLING, ACT OF MARCH 30, 1871.	
Bonds and certificates issued under acts passed prior to April 17, 1861 (old unfunded), and under act of March 2, 1866, also sterling certificates issued under act of March 30, 1871, computed as funded at two-thirds on account of the deduction of West Virginia's proportion:  Dollar bonds and certificates—amount outstanding September	
30. 1921	111,572 34
Sterling bonds and certificates—amount oustanding September 30, 1921	13,353 33
Leaving outstanding of principal, September 30, 1921	\$ 160,174 45
BALANCE OF FUNDABLE INTEREST OUTSTANDING TO AND INCLUDING JULY 1, 1891.	
On the unfunded part of the debt, reduced one-third for West Virginia's portion—amount outstanding September 30, 1921	
On consol coupon bonds issued under act of March 30, 1871—amount outstanding September 30, 1921	
On ten-forty coupon bonds issued under act of March 28, 1879—amount outstanding September 30, 1921	
Leaving outstanding of interest, September 30, 1921	\$ 265,578 11
GENERAL STATEMENT OF DEBT NOT FUNDED UNDER ACT OF FEBRUARY 14, 1882, NOR FEBRUARY 20, 1892—PRINCIPAL AND INTEREST—WEST VIRGINIA'S PORTION BEING EXCLUDED.	
Principal.	
Outstanding September 30, 1921, under acts passed prior to February 14, 1882	\$ 160,174 45
Interest.	
Outstanding September 30, 1921, to and including July 1, 1891, exclusive of interest on bonds and certificates issued under acts of February 14, 1882, February 20, 1892, and	265,578 11
amendments thereto	
Aggregate outstanding unfunded debt	<b>\$ 425,752 50</b>

It is estimated that there are now outstanding various bonds with interest in the name of certain internal improvement companies, which cannot be funded, amounting to			
Aggregating	153.853	60	
Aggregating	West V	ir-	\$ 102,569 07
It is estimated that possibly the above \$102,569 and interest, may be held in the name of certain in panies, which cannot be funded. We may further considerable portion of the residue, perhaps as much have been lost or destroyed, and will therefore never been of the funding act February 20, 1892 (Century), been extended several times, and under these extensions was done:	nternal in feel safe as one-h e present sections 7	in in alf ed f	saying that a thereof, may for settlement. and 18 have
	Old Debt		New Issue in
S	urrendere	d C	entury Bonds
Prior to January 31, 1894	447.315	01	\$ 302,208 65
January 31, 1894	1 474 017	04	1 015 194 90
January 23, 1896	370,668	58	244,014 91 84,172 48 21,580 28 10,577 82 20,568 32 7,424 08 3 239 72
January 25, 1898	162,619	51	84,172 48
February 3, 1900	45,863	64	21,580 28
February 16, 1901	20,997	11	10,577 82
April 2, 1902	32,848	78	20,568 32
March 10, 1906	12,241	60	7,424 08
March 11, 1908	3,173	UL.	0,207 72
March 14, 1910	16,915	48	6,888 24
March 12, 1912	1,264		843 67
March 21, 1914	4,981	25	3,525 68
March 21, 1916	2,128		
March 15, 1918	9,367		6,594 41
March 16, 1920	27,871	40	13,385 83

## **STATEMENT**

.Of Annual Interest on the Public Debt—Receipts and Disbursements on Account of Payment of Interest During the Fiscal Year Ending September 30, 1921.

1921.	RECEIPTS.		
pa th 11—Rec July 1—Rec	ceived of C. Lee Moore, Auditor of Public Accounts, ayment of interest on registered and coupon bonds of the State of Virginia, due January 1, 1921	\$ 420,000 7	00 50
bo	or payment of interest on registered and coupon onds of the State of Virginia, due July 1, 1921d checks charged to Treasurer under act of March	420,000	00
	1918	199	50
10	Balance in treasury September 30, 1920	9,640	63
		\$ 849,847	63

\$2,634,244 20 \$1,741,233 77

## DISBURSEMENTS.

## Interest Paid on Public Debt.

Interest I did on I would Devi.			
For interest paid to colleges and the Dawson Fund, under act of February 23, 1892:			
On registered certificates issued under act of February 23, 1892	•	147 220	22
For interest paid on bonds issued under the funding	Þ	147,228	32
act of February 14, 1882, and the act as amended			
by act of November 29, 1884:			
Coupons\$ 34,912 50	)		
Coupons \$ 34,912 50  Interest on registered bonds 145,132 82	2		
		180.045	32
Interest on bonds issued under act of February 20, 1892, and the several amendments thereto:		100,010	
Coupons	)		
Coupons \$ 115,027 50 Interest on registered bonds \$ 398,782 64	i		
		513,810	14
Paid on postage on interest checks	_		06
raid on postage on interest checks	•		
Amount of disbursements	\$	841,127	84
Balance in treasury September 30, 1921		8.719	
Designed in troubery Deptomote Oo, 1781	_		
	\$	849,847	63

## B

## LITERARY FUND

## Investments to September 30, 1921

In Virginia State Registered Bonds, issued under Acts of February 14, 1882, and February 20, 1892, and also Loans to School Districts for Building School-houses, and New London Academy Certificates, and long term Special Election School Bonds.

In Virginia State registered bonds, issued under act of February amendments thereto, to-wit:	14, 1882, a	nd
Issued September 27, 1886, in funding Virginia State bonds and interest thereon, belonging to the Literary Fund, as provided and authorized by said act of February 14, 1882, and November 29,	<b>41</b> 004 00F	
1884, bearing interest from July, 1886	\$1,084 <i>,22</i> 7	28
bonds		
30, 1907, out of Literary Fund fines received from the Auditor of Public Accounts		
	495,700	00
·	\$1,579,927	28
In Virginia State registered bonds issued under acts of February 20, 1892, and amendments thereto, to-wit:		
Purchased prior to September 30, 1921, out of Literary Fund fines received from the Auditor of Public Accounts, the proceeds of a loan of \$2,000 paid by Washington and Lee Uni-	•	
versity, and the proceeds from a registered bond of the city of Richmond for \$400	930,400	00
Purchased June 13, 1912, New London Academy registered certificate, No. 15 (act of March 12, 1912)	6,500	
continuate, 110. 10 (act of figures 12) 17.27		<b>—</b>
Randa for manay langed to school	\$2,516,827	28
Bonds for money loaned to school districts under act of March 15, 1906, previous to September 30, *1921, 3 per cent		
Bonds for money loaned to school districts under act of March 15, 1906, as amended February 25, 1908, previous to September 30.		
*1921, 4 per cent		
\$1,000,071 00		

<sup>•</sup> Act March 27, 1914, reduced interest 1%.

Total securities			\$4,325,295	78
			\$1,808,468	50
year, 4 per cent	11,000 00	) - \$ 173,096 65		
Claremont district, Surry county, 15-				
Tuckahoe district, Henrico county, 30- year, 4 per cent	30,333 32	2		
Stanley district, Page county, 30-year, 4 per cent.	10,000 00	)		
county, 5-year, 3 per cent	2,430 00	)		
county, 30-year, 4 per cent	12,000 00	)		
county, 20-year, 6 per cent	6,000 00	) .		
Tanners Creek, 20-year, 5 per cent Jerusalem district, Southampton	25,000 00	)		
6 per cent.	10,000 00			
per cent	12,000 00	•		
Town of Lawrenceville, 30-year, 5½	·			
Big Stone Gap district, Wise county\$ Fairfield district, Henrico county	9,333 33 45,000 00			
Long term and special election school bone				

#### Summary

TOTAL OF BONDS AND STOCKS HELD BY LITERAR Bonds, act February 14, 1882	\$1,579,927 930.400	00
Long term and special election school bonds	1,635,371 173,096	85 65
	\$4,325,295	<del>7</del> 8

In addition to the above Virginia bonds the Literary Fund holds West Virginia certificates amounting to \$719,022.62. See note, page 19.

#### DAWSON FUND INVESTMENT.

The Dawson Fund holds as an investment Virginia 3 per cent. registered bonds of act of February 14, 1882, amounting to \$1,400.00 and a schools and colleges 6 per cent. registered certificate of act February 23, 1892, of the denomination of \$34,187.61, on which two classes the Fund draws an annual income of \$2,093.26, payable to Albemarle and Nelson counties, as follows:

To Albemarle county	\$ 1,366 00
To Nelson county	727 26

<sup>\*</sup> Act March 27, 1914, reduced interest 1%.

## **STATEMENT**

Of Receipts and Disbursements for Public School Purposes, on Account of the Literary Fund, for the Fiscal Year Ending September 30, 1921.

RECEIPTS.	•
Received on warrants of the Second Auditor on account of Jan. 2—Interest for six months to January 1, 1921, on \$1,579,927.28 of Virginia registered bonds issued under act of February 14, 1882	of revenue:
July 1—Ditto, July 1, 1921, on ditto	\$ 47,397 82
Jan. 2—Interest for six months to January 1, 1921, on \$930,400.00 of Virginia registered bonds issued under act of February 21, 1892\$ 13,956 00 July 1—Ditto, July 1, 1921, on \$930,400.00, ditto 13,956 00	
Jan. 2—Interest for six months to January 1, 1921, on New London Academy certificate No. 15, par value \$6,500.00\$ 195 00	27,912 00
July 1—Ditto, July 1, 1921, on ditto	200.00
From C. Lee Moore, Auditor of Public Accounts, primary fees Received interest on money deposited to the credit of the Literary Fund in the Planters National Bank and in the Merchants	390 00 437 60
National Bank, for the fiscal year ending September 30, 1921	7,054 61
Received Literary Fund fines from Auditor of Public Accounts	. 307,673 31
Received from oyster fines	1,071 57
Received on apportionment of the appropriation	1,107,850 00
Received on account escheated bank deposits	11,491 85
Received from waste and unappropriated lands	336 03
United States contribution under Smith-Hughes act	76,528 58 76,730 86
Appropriation for high schools under act of March 24, 1918	200,000 00
Transferred to county high schools	2,500 00
Refund for normal training department of high schools	1,424 40
Received for long term and special election bonds	4,333 34
Received interest on long term and special election school bonds	5,559 50
Refund office salary account	2,960 00
Refund stationery and printing	1,038 78
Refund postage	388 00 17 25
Refund apportionment account	2,500 00 5,000 00
Received from insurance	260 35
Transferred from Virginia Home for Girls to conference expense	832 85
Received for home economics	1,871 10
Transfer and refund to vocational education	15,858 58
Received of appropriation summer schools	10,000 00
Received for appropriation maintenance agricultural high schools	40,000 00
Received for physical education	25,000 00
Received for elementary schools	400,000 00 218 60
Received for elementary schools from Julius Rosenwald Fund Received for elementary schools refund from J. E. Old, Treasurer	150 00
Received for elementary schools refund from Wm. D. Gresham	
Received for educational conference	1,000 00



	•
Descrived for office rout	e 2000.00
Received for office rent	
Received interest on school district bonds	41,833 86
Received from payment of school district bonds	127,858 32
Amount of marks	*********
Amount of receipts	\$2,557,554 16
Balance in the treasury to the credit of the Literary Fund,	
September 30, 1920	<i>2</i> 65,945 <i>6</i> 9
·	\$2,823,499 85
DISBURSEMENTS.	
On Orders Issued by the Board of Education for the Fiscal	Year Ending
September 30, 1921.	
1920-21.	
To county treasurers for public schools purposes	\$1,107,863 34
To elementary schools	320,773 60
For rural supervision	36,636 37
For high schools	217,715 81
For high schools, normal training department	8,365 00
For high schools, agricultural department and vocational schools.	171,070 66
For home economics	86 00
Teachers of Indian School	1,584 59
Permanent Literary Fund-Loans to schools	429,194 00
Salaries and expenses of teachers in summer normal schools	8,190 00
Salaries, division superintendents of schools	97,640 18
Salaries, clerks in office of Superintendent of Public Instruction	23,178 31
Expenses and supplies of the office of Board of Education	1,186 32
Expenses of the Secretary of Board of Education	210 51
Expressage and drayage for the office of Superintendent of Public	
Instruction	82 25
Postage for the office of Superintendent of Public Instruction	2,000 20
Stationery and printing for the office of Superintendent of Public	
Instruction	8,474 64
Telegraph and telephone for the office of Superintendent of Public	•
Instruction	776 46
Expense of meeting of State Board of Education	1,232 96
Negro Reformatory	14 17
Furniture and appliances State Board of Education	1,897 14
For extra help	206-27
For School Journal	1,315 00
Office rent, Board of Education	2,225 08
Amount paid owners escheated bank deposits	2,407 06
Amount paid H. L. Spratt, commission for collecting fines	157 54 508 72
Amount paid insurance	
Premium, interest and discount	7 13
Maintenance of agricultural high schools	48,802 24
Physical education	16,294 49
Virginia Industrial Home for Girls	832 85
Expenses of examinations	1,082 21
Salaries and expenses of inspectors	2,940 88
Conference meeting	1,332 73
Vacation schools	9,438 31
	#0 F0F 702 00
Amount of disbursements	\$2,525,723 02
Balance in treasury to the credit of the Literary Fund, September	207 774 02
30, 1921	297,776 83
	\$2,823,499 85
	ψε,υευ,τ22 υ

ROSEWELL PAGE,
Second Auditor of Virginia and Accountant of the Literary Fund.

## **STATEMENT**

Of the Receipts and Expenditures of the Public Money, Taken from the Report of the Auditor of Public Accounts for the Fiscal Year Ending September 30, 1921.

Balance in the treasury October 1, 1920	Sentember	\$ 3,108,847 9
30, 1921		21,008,984 3
Distance of the state of the st	<b>20</b> . C	\$24,117,832 3
Disbursements for all purposes from October 1, 192 tember 30, 1921	20, to Sep-	22,065,404
Balance in the treasury October 1, 1921	•••••	\$ 2,052,427
Deduct amounts due departments, as follows:		
Agricultural Department—		
Fertilizer Fund\$		
Hog Cholera Serum Fund	2,061 09	)
Board of Health Department—		
Social Hygiene Fund	11,973 77	
Tuberculosis Special Tax Fund	26,914 18	3
Dairy and Food Department—		
Taxes, fees, etc.	14,427 98	
Tuberculosis Fund (cattle)	9,126 06	
Excess fees of officers due Norfolk city	6,653 02	?
Federal and State Roads—		
Construction and maintenance, etc	1, <i>2</i> 05,403 43	3 '
Valley Turnpike Company—balance of net		
surplus and proceeds from sale and rent		
of toll houses	27,297 90	)
Game Protection Fund—		
Fees and taxes collected for support of	59,390 2	5
License taxes on dogs for support of depart-		
ment	2,465 48	3
Industrial Commission of Virginia—Taxes for		_
support of	38,820 0	3
Inheritance taxes (direct and collateral) for		_
schools	230,104 52	7
Literary Fund-Escheated bank deposits	3,070 9	5
Memorial Library Fund—		
For erection of library and auditorium in		
Richmond city to soldiers, sailors and		
marines, and women in the world war	125,000 0	)
Special 15 cent tax, 1921, on shares of bank stock for the benefit of schools, roads and		
stock for the benefit of schools, roads and		
tuberculosis, not yet apportioned	126,660 1.	
State Accountant, balance of Rotary Fund	2,776 4	4
State Corporation Commission—		
Bureau of Insurance-Taxes, fees, etc., for		_
support of	31,396 30	0
State Bank Examiner—Examination fees	40,094 4	
Small loan licenses	2,144 6	
State Geological Commission—Forestry Fund	311 3	5
State Rehabilitation Fund	8,821 7	
-		- 1,976,979
True balance of general fund of the Common-		
wealth October 1, 1921		<b>\$</b> 75,447

EXHIBIT A.

Receipts from all sources into the Treasury during the year ending September 30, 1921.

	istoT	\$ 15,852.65	110,840.22 15,000.00 525.11	1,976,623.84	262 262 263	1,337.50	706,881.74 111,023.30 368,797.64 4,643.46	•
		15,862 66	\$ 110,840.22 15,000.00		S S		111,023.30 471,254.49 235,627.25 388,707.04 4.62.46	_
(man)	For special purposes			\$ 1,976,622.84	43.892.00	1, 337.50	235, 627. 25	
TENT (SO COMPANY)	nas noiteurismos roll o es na net nia m sbaor		ble 2)					
	For support of sehools			8 84,440.66			471,254.49	
accepted from the confect which side a reasonaly than the free	For support of govern-			<u> </u>		: ::		_
2000		ole 1)	le 2)	and paid into 4, as amended 921 for schools	y chapter 491, .\$ 43,275.00	law known as to be used to Table 28)	into State of note, etc., for	
0		of counties (Tal	section 1285) .	ne taxes collected by Secretary of the Commonwealth and paid into the treasury for the use of public roads (Code section 2154, as amended by chapter 35, Acts Extra Session 1919).  State and National—Taxes on atock of shareholders for 1921 for schools opt 15 cents special tax) (Table 3).	as amended b	nse taxes required by chapter 402, Acts 1918 under the law known as the Uniform Simil Loan Law, paid into the treasury to be used to administer the provisions of the law control of insurance—Fees, taxes etc., (Code section 416, etc.) (Table 29) on taxes—51.50 on each person of twenty-one years and over experient.	for entrance for entrance g deeds, contra d (Table 18)	
200 100	,	ers and clerks	de section 1123 of sale of (Code Id debts, etc., c	etary of the C public roads (C Session 1919) on stock of sha	de section 4122, by State Ban	Law, paid into the law.  of the law.  etc., (Code sect erson of twent	for military sees and cities reporation and res for recordin strations grante le of	
of early and		ales by treasur	ment of— n fertilizer (Co nn—Proceeds o dgments and ol	ne taxes collected by Secretary of the the treasury for the use of public roads by chapter 35, Acts Extra Session 1919) state and National—Taxes on stock of taxe and special tax) (Table 3)	of Banking—  * for examining banks (Code s  * Acts 1920) (Table 29)  * refund expenses incurred by  witness at Newnort News	uired by char Small Loan he provisions o Fees, taxes,	by this State cturned counti- narters of inco- pllection of tax and on adminis- ceeds from sa	
		Addiesive stamps—Sales by treasurers and clerks of counties (Table 1)	Agrouture—Department Fees and taxes on fertilizer (Code section 1123)  Hog cholera serum—Proceeds of sale of (Code section 1285)  Arrears of taxes—Judgments and old debts, etc., collected (Table 2).	License taxes collected by Secretary of the Commonwealth and paid into the treasury for the use of public roads (Code section 2154, as amended by chapter 35, Ast Extra Session 1919)  Banks, State and National—Taxes on stock of shareholders for 1921 for sethools (except 15 cents special tax) (Table 3).	Bureau of Banking—  Fees for examining banks (Code section 4122, as amended by chapter 491,  Acts 1920) (Table 29)  To refund expenses incurred by State Bank Examiner as 17 00  witness at Newrort News.	License taxes required by chapter 402, Acts 1918 under the law known as the Uniform Small Loan Law, paid into the treasury to be used to administer the provisions of the law.  Bureau of Insurance—Fees, taxes etc., (Code section 416, etc.) (Table 23)  Capitation taxes—51.50 on each person of twenty-one years and over excent	those pensioned by this State for military services. One-third of amount collected to be returned counties and cities.  Charters—Fees on charters of incorporation and for entrance into State of corporations.  Clerks of courts—Collection of taxes for recording deeds, contracts, etc., for probating wills and on administrations granted (Table 18).  Code of Virginia—Proceeds from sale of	
		Adbesive	Agricultu Fees Hog Arrears o	Licen t b Banks, S (exce)	Bureau o Fees To r	Licer t Bureau o Capitatio	those collectory corps Clerks of proba	

Corporations, public service—Taxes on (except 15 cents special tax) (Table 5)	_	_		_	_	1:	-19
As follows:  Express (Table 6—Parts 1 and 2).  Express (Table 7).  Railroad and canal (Table 8).	\$ 12,445.91 74,861.24 2,474,965.37	75.92 304.38			2, 640, 381.85		922.]
Steeping our (Table 10).  Steamboat (Table 9).  Telegraph and telephone (Table 11).  Water, heat, light, and power (Table 12).	104,784.90 104,784.30 80,331.02	2, 312, 47 7, 676.85 17, 296.92			7,960.96 11,457.46 112,461.15 106,617.94	8 2,966,556.80	
Costs recovered and paid into the treasury.  Courts, money under control of, five years or more, no claimant (Code sections 631 and 6319).	10, 094. 07			71 757 17		15, 594. 57	
Crop pertal-Fees for registering nurseries (Code section 882, as amended by chapter 69, Acts 1920) (Table 27)	2,148.00					2,148.00	
Dairy and 10od department— Taxes and fees (Code section 1212) Tuberculosis Fund (Code section 1226) Dairs accord Taxes				34, 750.41 15, 902.85		34,750.41 15,902.85	
Deningues Askars On explications, one-third to be returned counties and cities. On periodial property On productions and expected property of the production	8, 118.66			4,059.33		12,177.98 4,073.90	AC
On rear estate—para before sup, proceeds from suc, and for recembers  Department fees—Fees belonging to the general fund of the Commonwealth	41,700.11						TS
collected by departments (Table 13)  Examiners of Records—Commissions refunded on erroneous assessments (Table 36)	35, 004.06					35,694.05	OF .
Excess of fees, commissions, salaries and allowances of officers, paid into the State treasury (chapter 332 Acts, 1914, as amended), one-half to be returned counties and cities (Table 24). Pranchise taxes on Virgina corporations other than public service (Table 14)				44, 934. 04			ASSEM
Game and Inland Fisheries Department—Hunting lieense tax for support of department, game wardens, etc., Code section 3339 (Table 21). Lieense tax: so on dogs, (chapter 413, Acts 1920) (Table 21).				111,225.11		=2	BLY.
Income—Taxes on. Industrial Commission of Virginia— Taxes for support of, provided for by Acts of 1918, chapter 400, as amended	2,098,933.50			134, 323, 23		2,096,933.50	
To provide State Rehabilitation Fund required by chapter 392, Acts 1920, out of surplus to credit of Administration Fund, \$10,000.00, and contribution to that fund by the United States, \$743.39				10,743.39		10,743.39	
Fayment by, to general that of Commonwealth, out of concentions in excess Of Maintenance Fund, chapter 176, section 75(k), Acts 1920.  Inheritances—Taxes on (Table 4).  Insurance companies—License tax (Table 16).	53,800.08 6,929.58 964,552.76	231, 201.06		171, 382.42		53,800.08 409,513.06 964,552.76	
interest received on deposit or plants (410),200.00) and on taxes (410,200.01).  Table 16.  Totalese Dorton of their colonies noid into the transmer he countries and difficu	141,217.42					141, 217. 42	
(Table 17).  [Table 17).  [And Resistration Assurance Fund, received from clerk of circuit court. Prince	70,428.12		` .	:		70,428.12	
William county, set aside to carry out provisions of chapter 62, Acts 1916, Torrore system of land registration.	- :	!		7.07		70.7	9.
Bunness, professional, etc.	1,940,493.81		_	-		1,940,493.81	49

,,,,	•	01	110			ſ,v.
	LasoT	308, 659.38	6, 798.89	336.08	2,590 48 127,396.27 15.00 73,526.38	500.00 51,870.94 9,773.80 30,288.99 2,188,748.51 98,188.86
	secoquid laiceds 10%			126,000,00	: : :	900.00
	bna noiteurtance wa to senancian space			•		
UED.	sloodes to tradgus to a	308, 669.38	6,798.89	336.03		469, 268, 89 98, 186, 86
EXHIBIT A-Continued	For support of govern- ment				\$ 63,668.14 15.00 73,526.38	
EXHIBIT		Literary Fund— Fines collected for offenses committed against the State and proceeds from sale of forfeited property, part of the Literary Fund under section 134 of the Constitution of the oyster law Fines for violation of the oyster law Proceeds from sale of conficued property, ardent spirits, etc.—  Both character of Probition.  Both character of the conficuency of the conficuency and the conficuency and the conficuency and the conficuency and the conficuency of	Owners univons, escape to Jordineau Fors & Innor, water section 1919, owners univons, escaped to Interny Fund (Acts extra session 1919, ectapter 84) (Table 60).  Werte and university (1914) (1914) and December 1914 of most of Itieseeur	Memorial Library Fund—Appropriation for ease of part of internary  Memorial Library Fund—Appropriation for year ending February 28, 1921, paid out of the general fund of the Commonwealth and paid into the State treas- ury to the credit of the Memorial Library Fund to be used to erect a library building and auditorium as a memorial to soldiors, sailors, marines and women who served in the world war (chapter 50, Acts 1920).	-i	Proceeds from sule of boat Received for surveys for parties made by State Engineer, Oyster Department Oyster Department Pensity—Five (3) per cent, on taxes not paid at time required Pensions—Warrants to pay returned and paid back into the treasury, pensioners dead (Table 30) Penitentiary—Proceeds from hire of convicts. Personal Property— Tangible and intangible, taxes on (except 15 cents special tax).

	22.]			ACT			SEMBLY.					95	1
10,742.90	2,056.25 78,760.69 1,899,276.76 638,416.66 100,355.50	2,287.19	12,246.65 2,033.09	18,600.87	7,290.17	885.13	59,000.00 5,782.23 7,556.87	74.45	384.45	\$18, 927, 339.13	1,676, 126,		
										Eradication of turbeculosis	111,748.37 8,444.01	\$ 138,752.26	
3		4,819.66	12,246.65	A 108 40			50,000.00	74.45	:				
	\$ 1,899,276.76						7,556.87	:		3,883,457.47	185,598.73 1,117,483.64 84,440.09	555,008.97 \$ 1,387,522.46	
	638, 416. 66									2,565,273.45	74, 239.48 446, 993.46 33, 776.03	555,008.97	-
10,742.90	2,056.25 78,760.69 100,355.50	689.94	2,033.09	18,600.87	7,290.17	885.13			384.45	\$11,219,802.30 \$ 2,565,273.45 \$ 3,883,457.47 \$ 1,258,805.91		1 60	
offices (Acts 1918, chapter 40, page 90) (1 abus 51) Printed Records—To pay back money advanced by the State to print records of cases docketed in Supreme Court of Appeals (Code section 3486) (Table 19)	Prohibition—Proceeds from sale of stamps to be used on prescriptions, for affidavis, permits, etc.  davis, permits, etc.  davis, permits, etc.  Public Printing—Refunded by departments, institutions, etc.  Public Roads—Construction and maintenance of (Table 44).  Real Estate—Taxes on (except 15 cents special tax)  Registration fees on all corporations (Table 14).  Registration sees on all corporations (Table 14).  Registration sees on all corporations (Table 14).	State Accountant——————————————————————————————————	State Board of Health— State Board of Health— Scoral Hygiene Fund Fees for inspection of hytels (Code section 1591).	State Corporation Commission—Fee so interest and pain into the state treasury in connection with the sale of securities upon authority of the commission.  Chapter 359, Acts 1920, known as the Blue Sky Law.  State Geological Commission—Ferestry Fund—Contribution by United States and by certain counties in Virginia to be used in the prevention and control	On 10 test inter- State Library—Proceeds from sale of State publications, etc. (Code section 349 as mended by chapter 144, page 149, Arch 1920) (Table 31). State Purchasing Commission—Proceeds from sale of coal belonging to State	institutions taken over in transit by the Norfolk and Western Railway Company for its own use	United States— Received for use of Agricultural and Mechanical Colleges (Code section, \$53 Received for use of Agricultural and Mechanical Colleges (Code section, \$53 as amended by chapter 324, Acts 1920) (Table 20). For forest reserves, to be paid to counties in which forest reserves are located Valley Turnpike Company—Proceeds from sale and rent of full houses. Virginia Industrial School for Rove—Rent of premises 1934, Ashland street.	Figure 1 returned a Colon for Doys - tent to premises, for standard street, Richmond eity, belonging to this institution, and water tax refunded collected by Mr. James Caskie of the board of visitors and by him paid into the State treasury, bess commissions and repairs paid rental agent	off (Code section 2194)	Special taxes (chapter 384, Acts 1918, 8 cents) and (chapter 25 Acts extra session 1919, 7 cents) for schools, 3 cents for roads and 1 cent for eradication of	tuberculosis—On public service corporations.  1920—4 cents for schools, 10 cents for roads and 1 cent for eradication of tuberculosis—On public service corporations.  On real and personal property.  1921—On shares of bank stock.		

## EXHIBIT B.

Disbursoments for all purposes during the year ending September 30, 1921.

Agricultural and mechanical colleges—Distribution of money received from the United States for their use (Table 26)	50,000 00
Bank deposits—Not checked on for fifteen years or more, whereabouts of owners unknown, paid over to Second Auditor, less cost of newspaper publication required by chapter 84, Acts extra session 1919 (Table 60)	12,262 <b>07</b>
Bonds of clerks—Premiums paid on bonds of clerks in State offices in Richmond	495 00
Bureau of Banking—Salaries of examiner and clerks and expenses of office, paid from fees collected from banks	
act	20.022.25
Bureau of Insurance—Salaries of commissioner and clerks and expenses of office paid from taxes and fees collected to main-	39,822 35
tain the bureau	42,547 67
Capitation taxes returned to counties and cities, fifty cents of each \$1.50 collected (Table 32)	213,711 62
Civil prosecutions—Expense of, and commissions to agents for collecting old claims, etc.	529 98
Code revision—Expense of publication, binding, etc. (Table 56)	10,785 90
Confederate memorial associations—Care of the graves of the Confederate dead (Table 33)	2,695 00
Constitution of Virginia—Expense of required publications of proposed amendments	561 80
Coupon cases, commissions to agents for collecting, Code section 2596	8 86
Courts—Expenses of conducting; pay of attendants on, etc. (Table 34)	37,858 70
Criminal charges (Table 35)—Expenses of arrests, trials, maintenance in jail, clothing, medical attention, medicine for prisoners; maintenance of prisoners on the public roads; transportation for wayward, etc., children	550,348 66
Dairy and Food Department— Tuberculosis Fund—Re-acting cattle	330,040 00
	95,422 11
Delinquent lands and lots— Fees for recording	
	10,576 25
Excess fees, commissions, salaries and allowances of officers paid into the State treasury (Acts 1914, chapter 352, as amended) the one-half returned counties and cities (Table 24)	38.577 58
	,

Fines-	
Collected for offenses committed against the State, and proceeds from sale of ardent spirits and other forfeited property, paid	
Second Auditor for the Literary Fund (section	
Oyster fines, paid Second Auditor for the	
134, Constitution)	
justice to corporation court	
Frank Box - For 1	\$ 308,754 38
Forest Reserve Fund— Received from the United States apportioned and paid to counties (Code section 743) (Table 61)	11,170 37
Fuel, ice, etc., used in public buildings	3,141 22
Game and Inland Fisheries department— For salaries of Commissioner, clerks, etc., game wardens, expenses of office, etc. (Code section 3336)	
expenses of office, etc. (Code section 3336)	86,516 17
law (chapter 413, Acts 1920)	60,229 82
General account of revenue (Table 36)—Commissions paid commissioners of revenue, examiners of records, payments to local	217 072 70
boards of review, etc	317,872 79 10,875 25
Hospitals for the insane and for epileptics for support, improve-	10,873 23
ments, etc. (Table 38)	1,146,020 37
Industrial Commission of Virginia—Salaries, rent, office equipment and supplies, and other expenses (chapter 400, Acts 1918, as amended)\$ 58,197 86	
To provide State Rehabilitation Fund required by chapter 392, Acts 1920, out of surplus to	
credit of Administration Fund	
Payment by, to general fund of Commonwealth, out of collections in excess of maintenance fund	
(chapter 176, section 75 (k), Acts 1920) 53,800 08	
emilian to different married	121,997 94
Inheritances, taxes on, returned counties and cities (Table 4)	237,562 62
Insane—Cost of maintaining in jails until removed to State hospitals (Table 40)	5,673 55
Institutions, educational and charitable, etc., for support, improvements, etc. (Table 39)	1,807,981 21
Interest—Paid Second Auditor to pay the interest on the public debt of Virginia	840,000 <b>00</b>
Lands—Proceeds from sales of, returned purchasers by order of court	90 63
Marriages and Divorces—Fees of clerks for registering, etc	3,364 35
Military— For equipment, maintenance, etc For use of troops to aid civil authorities of Wise county,	73,940 47
For use of troops to aid civil authorities of Wise county, \$2,379.28, Richmond city, \$723.16, Staunton city, \$474.67	3,577 11
Needy Confederate Women—For aid of (Acts 1914, chapter 56) (Table 54)	10,312 50
Needy Confederate Veterans suffering with cancer (Acts 1914, chapter 117 (Table 55)	660 01

Officers of the Government—Executive, judicial, clerks, capitol police, employees, mileage, contingent expenses, etc. (Table 41)	<b>\$</b> 771.570 76
Over-payments refunded-Paid back to persons making excess	
payments into the treasury (Table 50)	36,234 30
Oysters—For protection of, and for collecting revenue from	70,625 37
Penitentiary and State Farm— Expense of operating, maintenance of prisoners, etc. (Table 43)	144,475 57
Per diem allowance to prisoners provided for by chapter 301, Acts 1918	41,062 75
Pensions to soldiers, sailors and marines and their widows, and for funeral expenses, etc. (Table 42)	823,017 50
Presidential electors, pay of—For mileage and attendance (Code section 77) (Table 62)	407 20
Primary fees—Payments returned candidates for Federal and State offices who were without opposition and payments to Second Auditor for benefit of Literary Fund (Acts 1918, chapter	
40) (Table 57)	877 60
Prohibition—To pay expense of enforcement	31,760 51 90 20
Printed records—Advanced to print records in Supreme Court of Appeals	14,679 72
Public printing for General Assembly, State offices and institu-	
tions	134,480 74
Public free schools—For support of, etc. (Table 47)	4,438,670 02
Public school teachers—Pensions to	10,000 00
Public roads—Construction and maintenance of (Table 44)	8,151,938 64
Real estate—Re-assessment, paid on account of (Table 36)	115,678 05
Reformatories—For improvements, support, general purposes, etc. (Table 49)	194,259 65
Sinking Fund—To retire public debt under terms of settlement	116,423 92
Special appropriations (Table 48)	202,116 99
State Accountant—Money advanced to pay expenses for examination of accounts of officers of counties, etc. (Table 59)	1,934 15
State Board of Agriculture and Immigration—	
For advertising resources of Virginia\$ 1,144 23	
For analyzing and testing seed	
For division of markets	
For purchase of hog cholera serum—Paid from	
proceeds of sale of the serum	
	151,449 38
State Board of Charities and Corrections—	
For care of weak-minded	
For care of weak-minded	5,695 <b>99</b>
State Board of Crop Pest Commissioners-	2,000
For extermination of insects—To defray expenses of	18,791 62
State Board of Health— Social hygiene work	
Vital statistics—Expenses, etc. 22,387 85	
Tuberculosis fund—Special tax of 1 cent for	
eradication of (Acts 1918, chapter 384) 138,364 30	191,189 22

State Geological Commission— For expense of survey\$ 23,407 67		
Forestry Fund		
· · · · · · · · · · · · · · · · · · ·	48,444	10
State Purchasing Commission— Advances in supplying fuel for departments and institutions to be refunded out of their appropriations		07
State Rehabilitation Fund—Payments out of (chapter 392, Acts		0/
1920)		68
Taxes erroneously assessed—Refunded		
Travelers' Aid Society of Virginia—For its work throughout the		•
State	5,000	00
Valley Turnpike Company—Dividends claimed by stockholders	274	77
Virginia Reports—Cost of publishing in book form the opinions of the Supreme Court of Appeals of Virginia	12,896	90
Virginia State Dairymen's Association—For furthering the interests of dairying in Virginia	500	00
Virginia State Fair Association, Inc.—To pay premiums upon agricultural, horticultural, live stock, and poultry exhibits at Virginia State Fair, offered in the name of the State of		
Virginia	5,000	
Virginia State Horticultural Society—Expended by the society		00
Virginia Truck Experiment Station-Experiments in truck crop		20
development, etc.		
Virginia War History Commission—Expenses, etc. (Table 53) Vocational Education—Payments out of appropriation (Acts 1918, chapter 73) by the State to be used in conjunction with funds provided by the United States to carry out provisions of the		70
act of Congress known as Smith-Hughes bill	76,730	-
Warrants re-audited	36	00
Waste and unappropriated lands—Proceeds from sale of, paid Second Auditor for the Literary Fund (section 134, Consti-		
tution)	336	03
•	\$22,065,404	62

## STATE OFFICERS

E. LEE TRINKLE	Governor
JUNIUS E. WEST	Lieutenant Governor and President of the Senate
	Attorney General
B. O. JAMES	Secretary of the Commonwealth
	Auditor of Public Accounts
Rosewell Page	Second Auditor
CHAS. A. JOHNSTON	State Treasurer
WM. F. RHEA, Chairman	
ALEXANDER FORWARD	State Corporation Commission
BERKLEY D. ADAMS	
HARRIS HART	Superintendent of Public Instruction
JOHN W. RICHARDSON	Register of the Land Office
WILLIAM WILSON SALE	The Adjutant General
G. W. KOINER	
John H. Hall, Jr	
DAVIS BOTTOM	Superintendent of Public Printing
H. R. McIlwaine	State Librarian
J. B. Wood	Superintendent of Penitentiary
Joseph Button	Commissioner of Insurance
GEO. P. COLEMAN	Commissioner of State Highways
	State Health Commissioner
Frank BaneS	ecretary State Board of Charities and Corrections
Wm. F. Smyth	State Accountant
C. H. Morrissett	Director Legislative Reference Bureau
JNO. W. WILLIAMS, Clerk House	se of Delegate <mark>s and Keeper of the Rolls of Virginia</mark>
	Clerk of the Senate
HARRY B. SMITH	
RICHARD F. BIERNE, JR., Chair	rman
CHAS. A. McHugh	
CHAS. G. KIZER	J
	State Purchasing Agent

## STATE HOSPITALS FOR THE INSANE

EASTERN-WILLIAMSBURG, VA. Dr. G. W. Brown, Superintendent.

Southwestern-Marion, Va. Dr. E. H. Henderson, Superintendent.

Western-Staunton, Va. Dr. J. S. DeJarnette, Superintendent.

CENTRAL—PETERSBURG, VA.
Dr. W. F. Drewry, Superintendent.

STATE COLONY FOR EPILEPTICS AND FEERLE-MINDED—COLONY P. O., NEAR LYNCHBURG, VA.

Dr. A. S. Priddy, Superintendent.

COMMISSIONER OF STATE HOSPITALS. Charles A. Osborne, Keysville, Va.

## SUPREME COURT OF APPEALS

Judges,	P. O. Address.
Jos. L. Kelly, President	Bristol, Va.
JESSIE F. WEST	Waverly, Va.
ROBERT R. PRENTIS	
Frederick Wilmer Sims	Louisa, Va.
MARTIN P. BURKS	Lexington, Va.

## THE SENATE

A List of the Senate, Showing Names of Senators, their Postoffice, County or City in which they reside, Telegraph and Express Office and Number of District they represent.

No. of District	Name	Postoffice	COUNTY OR CITY
4	Andrews, W. L	Roanoke	Roanoke.
11	Beverley, J. Brad	The Plains	Fauquier.
21	Booker, M. B	Houston	Halifax.
10	Byrd, Harry Flood	Winchester	Frederick.
38	Cannon, James E	Richmond	Richmond city.
27	Cocke, William B	Stony Creek	Sussex.
33	*Corbitt W. C	Portsmouth	Portsmouth.
5	Crockett, John H	Wytheville	Wythe.
26	Dickerson, J. M	Willis	Christiansburg.
13	Dodson, E. Griffith	Norfolk	Norfolk city.
34	Downing, T. J	Lancaster	Lancaster.
17	Earley, N. B	Ruckersville	_
		R.F.D. No. 1	Greene.
28	Epes, Louis S	Blackstone	Nottoway.
18	Ferguson, S. L	Appomattox	Appomattox.
23	Garrett, W. A	Ridgeway	Henry.
29	Goode, Morton G	Dinwiddie	Dinwiddie.
13	Goolrick, C. O'Conor	Fredericksburg	Fredericksburg.
32	*Gravatt, Charles U	Port Royal	Caroline.
35	Gunn, Julien	Richmond	Henrico.
1	Hassinger, J. H	Abingdon	Washington.
16	Hening, Thomas S	Jefferson	Powhatan.
36	Holt, Saxon W	Newport News	Newport News.
3	Hyatt, C. C	Richlands	Tazewell.
25 •		Chase City	Mecklenburg.
7	Layman, G. W	Newcastle	Craig.
12	Leedy, Robert F	Luray	Page.
9	Loth, F. Percy	Waynesboro	Augusta.
37	Mapp, G. Walter	Accomac	Accomac.
15	Miller, John J	Washington	Rappahannock.
38	Mills, Morgan R	Richmond	Richmond city.
39	Mitchell, J. Douglas	Walkerton	King and Queen.
14	Oliver, Walter Tansill	Fairfax	Fairfax.
6	Parsons, J. M	Independence	Grayson.
8	Paul, John	Harrisonburg	Harrisonburg.
24	†Rison, George T	Chatham	Pittsylvania.
22	Robertson, A. Willis	Lexington	Rockbridge.
20	Russell, Robert A	Rustburg	Campbell.
2	Sergent, J. Frank	Gate City	Scott. Nansemond.
30	Vaughan, C. C., Jr	Franklin	
19	Woodson, J. Belmont	Lowesville	Nelson.
	·	I	<u> </u>

<sup>\*</sup>Died since adjournment.

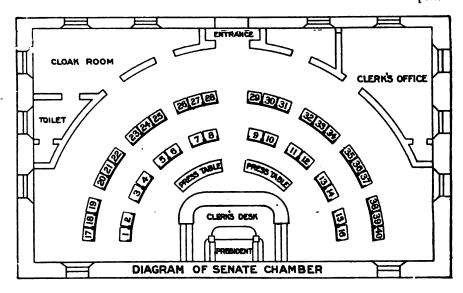
<sup>†</sup>Resigned since adjournment.

## OFFICERS OF THE SENATE.

Name	OFFICE:	Postoffice	County or City
*Buchanan, B. F	Lieut. Gov	Marion	Smyth.
†West, Junius E	Lieut. Gov	Suffolk	Suffolk.
Holt, Saxon W	Pres. pro tem	Newport News	Newport News.
Hanger, O. V	Clerk	Amherst	Amherst.
Henley, J. E	First Ass't Clerk	Norfolk	Norfolk city
Larrabee, F. C	Iournal Clerk	Phoebus	Elizabeth City
Burnley, James H	Reading Clerk	Charlottesville	Albemarle
Harman, A. C	Sergeant-at-Arms .	Richmond	Richmond city
Wise, Roland A	Doorkeeper	Cheriton	Northampton.
Pattie, D. M	Asst. Doorkeeper.	Madison	Madison.
Walsh, James J	Gallery D'keeper .	Richmond	Richmond city.
Jeter, John R	Doc. Clerk & Lib	Richmond	Richmond city.
Twyford, B. H	Committee Clerk	Accomac	Accomac.
Johnson, R. M	Committee Clerk	Woodville	Rappahannock.
Davies, A. B	Committee Clerk	Clifton Forge	Clifton Forge.
Carter, J. Kenneth	Committee Clerk	Danville	Danville.
Hutchinson, M. A	Committee Clerk	Newport	Giles.
Tenser, G. R	Committee Clerk	Richmond	Richmond city.
Jeter, William, III	Joint Com. Clerk	Skipwith	Mecklenburg.
Hanger, H. B	Typist	Remington	Fauguier.
Craddock, R. L	Postmaster	Mannboro	Amelia.
Hening, J. Hamilton	Page	Jefferson	Powhatan.
Stone, James	Page	Bedford City	Bedford.
Andrews, Edward	Page	Roanoke	Roanoke city.
Ferguson, Joseph D	Page	Appomattox	Appomattox.
Walton, Frank	Page	School	Henrico.
Courtney, Edward	Page	Little Plymouth	King and Queen.

<sup>\*</sup>Until January 31st.

†After February 1st.



#### ALPHABETICAL LIST OF SENATORS SHOWING NUMBER OF SEAT

#### \*B. F. BUCHANAN, Lieutenant Governor, President. SAXON W. HOLT, President pro tem.

Andrews, W. L12	Hening, Thomas S
Beverley, J. Brad 1	Holt, Saxon W 7
Booker, M. B 9	Hyatt, C. C39
Byrd, Harry Flood30	Jeffreys, William H., Jr
Cannon, James E 5	Layman, G. W14
Cocke, William B16	Leedy, Robert F27
Corbitt, W. C32	Loth, F. Percy
Crockett, John H26	Mapp, G. Walter13
Dickerson, J. M	Miller, John J 2
Dodson, E. Griffith28	Mills, Morgan R22
Downing, T. J	Mitchell, J. Douglas34
Early, N. B 8	Oliver, Walter Tansill23
Epes, Louis S	Parsons, J. M
Ferguson, S. L	Paul. John37
Garrett, W. A10	Rison, George T11
Goode, Morton G	Robertson, A. Willis31
Goolrick, C. O'Connor	Russell, Robert A21
Gravatt, Charles U 6	Sergent, J. Frank40
Gunn, Julien 4	Vaughan, C. C., Jr
Hassinger, J. H	Woodson, J. Belmont24

<sup>\*</sup>Until January 31st. After February 1st, Junius E. West.

## THE HOUSE OF DELEGATES

A List Showing Names of Members, their Postoffice, City or County in which they reside and Telegraph and Express Office.

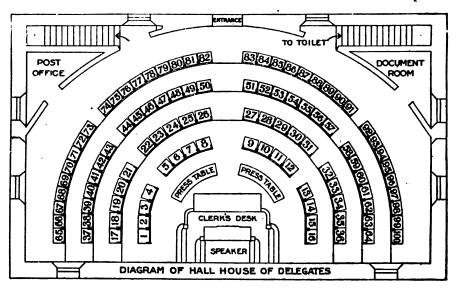
and Tenegraph and Express Office.		
Name	Postoffice	COUNTY OR CITY
		<b>.</b>
Adams, Samuel L	Cluster Springs	Fairfax.
Anderson, Joseph B	Danville	Danville.
Bagby, William F	Cumnor	King and Queen.
Beatie, A. C	Chilhowie	Smyth.
Boatwright, John B	Buckingham	Buckingham.
Bolton, F. D.	Fincastle	Botetourt.
Bondurant, E. T	Rice	Prince Edward.
Bowles, George A	Tabscott	Goochland.
Brewer, Richard L., Jr	Suffolk	Nansemond.
Bright, J. Fulmer	Richmond	Richmond city.
Brown, Israel	Norfolk	Norfolk city.
Brown, J. Sinclair	R.F.D., 4, Roanoke	Roanoke.
Brown, Mayo C	Lynchburg	Lynchburg.
Campbell, C. J	Amherst	Amherst.
Carpenter, Eber A	Madison	Madison.
Carter, Samuel R	Ashland	Hanover.
Commins, T. C	Rumford	King William.
Craft, R. G	Gate City	Scott.
Deans, Parke P	Windsor	Isle of Wight.
DeFriece, Frank W	Bristol	Bristol.
Diggs, Gilbert L	Peary	Mathews.
Dodson, W. W. G	Wise	Wise.
Eller, D. L	Floyd	Floyd.
Ewell, A. E	Lynnhaven	Princess Anne.
Farrier, M. P	Pearisburg	Giles.
Fletcher, Thomas C	Richmond	Henrico.
Ford, Chas. A	Front Royal	Warren.
Fuller, E. R	Richmond	Richmond city.
Gibson, Edwin H	Culpeper	Culpeper.
Gordon, R. Lindsay, Jr	Louisa	Louisa.
Graham, John T	Wytheville	Wythe.
Gray, J. Walter	Abingdon	Washington.
Gray, Z. T	Signpine	Gloucester.
Groome, Nelson S	Hampton	Elizabeth City.
Haddon, T. Gray	Richmond	Richmond city.
Hall, Wilbur C	Leesburg	Loudoun.
Henderson, John R., Jr	Brooke	Stafford.
Henley, Norvell L	Williamsburg	James City.
Hicks, E. A	Evington	Campbell.
Hicks, W. F	Jonesville	Lee.
Hoover, C. N.	New Market	Shenandoah.
Hoover, W. C.	Timberville	Rockingham.
Horner, W. A	Richmond R.D. No. 8 .	Chesterfield.
Horsley, J. R	Stapleton	Appomattox.
Hurt, Jos. M	Blackstone	Nottoway.
Hylton, Walter	Meadows of Dan	Carroll.
Jeffreys, Robert L	Chase City	Mecklenburg.
Jones, Edwin B.	Monterey	Highland.
Jones, James P.	Richmond	Richmond city.
Keen, H. L.	Bluemont	Loudoun.
Keezell, George B	Keezeltown	Rockingham
Koger, W. L.		Patrick
	Stella	_
Long, W. M	Luray	Page.

## LIST OF MEMBERS—Continued

Name	Postoffice	County or City
Massey, J. W	Post Oak	Spotsylvania.
McCaleb, Thos. B	Covington	Alleghany.
McCotter, J. Kenneth	Hopewell	Prince George.
McLean, John W	Elk Creek	Grayson.
McNutt, W. M	Glasgow	Rockbridge.
Moffett, W. Stuart	Staunton	Augusta.
Norris, Robert O., Jr	Lively	Lancaster.
Nottingham, John E	Eastville	Northampton.
Owen, D. W	Denniston	Halifax.
Ozlin, Thomas W	Kenbridge	Lunenburg.
Page, Ivor A., Jr	Norfolk,	Norfolk city.
Patterson, H. T	Bedford, R.F.D. No. 2.	Bedford.
Pitts, D. H	Scottsville	Albemarle.
Pratt, Richard T	Etta	Caroline.
Price, James H	Richmond	Richmond city.
Prince, William D	Stoney Creek	Sussex.
Ramey, J. T	Marshall	Fauquier.
Ramsey, John W	Bassett	Henry.
Rew, J. Harry	Parksley	Accomac.
Richards, Boyd R	Winchester	Frederick.
Rodgers, Samuel D	Petersburg	Petersburg.
Shepherd, Gordon W	Chester	Chesterfield.
Sinclair, C. A	Manassas	Prince William.
Smith, Alfred C	Norfolk	Norfolk county.
Smith, Chas. F	Petersburg, R.D. No. 4	Dinwiddie.
Smith, Charles Henry	Alexandria	Alexandria.
Smith, E. Hugh	Heathsville	Northumberland.
Smith, Lemuel F	Charlottesville	Albemarle.
Smithey, Marvin	Lawrenceville	Brunswick.
Snell, R. L	Phenix	Charlotte.
St. Clair, Walter	Rocky Mount	Franklin.
Stinson, J. H	Grundy	Buchanan.
Story, W. J	Courtland	Southampton.
Stuart, John W	Blackford	Russell.
Taylor, Herbert J	Staunton	Augusta.
Trolinger, H. L	Pulaski	Pulaski.
Turner, G. G	Huddleston	Bedford.
Tyler, Hal. C	East Radford	Montgomery.
Warren, B. S	Witt	Pittsylvania.
Warren, C. R	Chatham	Pittsylvania.
Wilkins, J. E	Newport News	Warwick.
Williams, Franklin	Vienna	Fairfax.
Willis, Holman	Roanoke	Roanoke city.
Woods, R. A	Norfolk	Norfolk county.
Woodville, E. J	Flat Run	Orange.
Wright, Earl H.	Portsmouth	Norfolk county.
Young, P. B	Shipman	Nelson.

## OFFICERS OF THE HOUSE

Name	OFFICE	Розтогисе	COUNTY OF CITY
Brewer, Richard L., Jr.	Speaker	Suffolk	Nansemond.
Williams, John W	Clerk	Pearisburg	Giles.
Greene, Geo. O	Assistant Clerk	Clifton Forge	Clifton Forge.
Hundley, Robert G	Journal Clerk	Richmond	Richmond.
Burke, W. H	Reading Clerk	Roanoke, R.F.D	Roanoke.
Livesay, A. D	Engrossing Clerk	Richmond	Richmond.
Garnett, H. T	Enrolling Clerk	Tetotum	King George.
Lilliston, W. J	Committee Clerk .	Parksley	Accomac.
Todd, T. J	Committee Clerk .	Richmond	Henrico.
Ozlin, P. A	Committee Clerk	Kenbridge	Lunenburg.
Allen, Wm. R	Committee Clerk	Buchanan	Botetourt.
Reid, R. J. N	Committee Clerk	Hamilton	Loudoun.
Herren, Chas. M	Committee Clerk	Gate City	Scott.
Williams, John W., Jr	Joint Com. Clerk.	Pearisburg	Giles.
Williams, A. C	Journal Copist	Richmond	Richmond city.
Johnston, J. M	Sergeant-at-Arms .	Murat	Rockbridge.
Newhouse, S. M	Doorkeeper	Culpeper	Culpeper.
Truslow, C. A	Second D'keeper	Falmouth	Stafford.
Bell, Alden	Gallery D'keeper .	Culpeper	Culpeper.
Cardwell, Edward	Page	Richmond	Hanover.
Truslow, Ashby	Page	Falmouth	Stafford.
White, A. J	Page	Winston	Culpeper.
Hicks, Ray L	Page	Evington	Campbell.
Haden, Asa	Page	Palmyra	Fluvanna.
Fitzgerald, Hodges	Page	Keysville	Charlotte.
Gray, John C	Page	Abingdon	Washington.
Noland, Hunter	Page	Spencer	Henry.
Shafto, G. R	Page	Richmond	Henrico.
Moody, Alvin	Page	Chester	Chesterfield
Hayes, Mason	Page	Richmond	Richmond city.
Davis, Williard	Page	Richmond	Richmond city.
Boyd, Eugene	Page	Richmond	Richmond city.
Ergens, Louis	Page	Richmond	Richmond city.



## ALPHABETICAL LIST OF MEMBERS OF THE HOUSE OF DELEGATES, SHOWING NUMBER OF SEAT

#### RICHARD L. BREWER, JR., Speaker.

THE HARD II. DREWER, JR., Speaker.		
Adams, Samuel L 75	Groome, Nelson S 26	Price, James H 52
Anderson, Joseph B 79	Haddon, T. Gray 44	Prince, William D 97
Bagby, William F 59	Hall, Wilbur C 10	Ramey, J. T 35
Beatie, A. C 100	Henderson, John R., Jr. 38	Ramsey, John W 4
Boatwright, John B 95	Henley, Norvell I 51	Rew, J. Harry 46
Bolton, F. D 19	Hicks, E. A 39	Richards, Boyd R 65
Bondurant. E. T 56	Hicks, W. F 64	Rodgers, Samuel D 57
Bowles, George A 60	Hoover, C. N 15	Shepherd, Gordon W 72
Brewer, Richard L., Jr. 96	Hoover, W. C 69	Sinclair, C. A 24
Bright, J. Fu'mer 58	Horner, W. A 73	Smith, Alfred C 1
Brown, Israel 00	Horsley, J. R 43	Smith, Chas. F 67
Brown, J. Sinclair 53	Hurt. Jos. M 29	Smith, Charles Henry 16
Brown, Mayo C 11	Hylton, Walter 88	Smith, E. Hugh 50
Campbell, C. J 47	Jeffreys, Robert L 40	Smith, Lemuel F 92
Carpenter, Eber A 80	Jones, Edwin B 33	Smithey, Marvin 18
Carter, Samuel R 21	Jones, James P 41	Snell, R. L 86
Commins, T. C 83	Keen, H. L 62	St. Clair, Walter 14
Craft, R. G 63	Keezell, George B 70	Stinson, J. H 99
Deans, Parke P 27	Koger, W. L 78	Story, W. J 7
DeFriece, Frank W 36	Long, W. M 84	Stuart, John W 85
Diggs, Gilbert L 93	Massey, J. W 23	Taylor, Herbert J 31
Dotson, W. W. G 61	McCaleb, Thos. B 20	Trolinger, H. L 54
Eller, D. L 98	McCotter, J. Kenneth . 71	Turner, G. G 22
Ewell, A. E 74	McLean, John W 82	Tyler, Hal. C 30
Farrier, M. P 48	McNutt, W. M 34	Warren, B. S 87
Fletcher, Thomas C 6	Moffett, W. Stuart 91	Warren, C. R 9
Ford, Chas. A 66	Norris, Robert O., Jr 25	Wilkins, J. E 42
Fuller, E. R	Nottingham, John E 94	Williams, Franklin 13
Gibson, Edwin H 55	Owen, D. W 45	Willis, Holman 5
Gordon, R. Lindsay, Jr. 32	Ozlin, Thomas W 8	Woods, R. A 2
Graham, John T 68	Page, Ivor A., Jr 89	Woodville, E. J 76
Gray, J. Walter 3	Patterson, H. T 77	Wright, Earl H 17
Gray, Z. T 81	Pitts, D. H 49	Young, P. B 12
	Pratt, Richard T 37	

# **INDEX**

Amending sections 202 to 218, inclusive, as to	875
Accomac County.	
Expenses of judge of thirty-first circuit	543
Amending section 3181 as to seines and traps in	880
Acknowledgments.  Amending section 5205 as to	868
Administrations.	
Amending section 12 of revenue act in relation to	<b>79</b> 6
C	
Agent.  Requiring person doing business as, to file certificate	506
	390
Albemarle County.	
Validating bonds issued by	
For loan for repairing courthouse	419 200
•	000
Alleghany County.	_
Expenses of judge of nineteenth circuit	543
Altavista.	
Authorizing council to borrow money	239
Authorized to sell McMinnis farm	243
American Legion.	
Amending section 4719 as to wearing insignia of	21
Amherst County.	405
For conveyance of certain lot	405
Appalachia.	
Adding section 3-a to charter	<b>2</b> 9
Appeals of Right,	
Amending section 6348 in relation to	47
Adichang section 6046 in relation to	7/
Appeals, Writs of Error, Etc.	
Amending section 6337 in relation to	45
Amending section 6348 in relation to	47
Amending section 6355 in relation to	500
Appropriating the Public Revenue.	
Act appropriating24	7-357
Arlington County.	
For holding elections on school bonds	369
5	
Arlington Sanitary District.	44-
Creating	445

Art Commission.	
Amending section 581 in relation to	757
Assessment of Lands.	
Payment of assessor or assistant beyond time allowed by section 2247	788
Assessment of Taxes.	
Amending section 48 in relation to commission merchants	109
Amending sections 41 and 43 of revenue bill	362
Amending section 134 of revenue act in relation to livery stables	367
Amending section 13 of revenue act as to tax on deeds	510
Correction of erroneous assessment	780
Correction of erroneous assessment	791
Adding section 44½ in relation to personal property of non-resident	
decedents	792
Amending section 12 of revenue act in relation to tax on wills and	70
Amending section 10 of revenue act in relation to taxation of income	790
Amending section 10 of revenue act in relation to taxation of income  Amending section 18 of revenue act in relation to assessment of stock	
Amending section 2307 as to listing property	900
The second secon	
Attorneys for the Commonwealth.	
No fee without actual appearance	426
Amending section 3505 as to fees of	547
Attorneys at Law.	
Amending sections 3408 to 3422, inclusive, in relation to license to	
practice	654
Auditor of Public Accounts.	
Authorized to withhold commissions of commissioners of the revenue	
when assessment contested	417
Augusta County.	00
State board of agriculture authorized to sell certain land in	ðU
Automobiles.	
Amending section 2131 as to number plate	44
Amending section 2143 as to passing, signals, etc.	418
Amending section 2136 as to number plates	431
Amending section 2146 as to liens on	393 694
As to duties of operators on public roads	UO-1
Amending sections 2138 and 2143 in relation to operation of, on public highways	747
Prohibiting operation of, with muffler cut out	807
Bail.	
<del></del>	754
In relation to justices admitting persons to	/ 34
Banks.	
Amending section 2158 as to security by	16
Authorizing payment of small balances to next of kin	461
Amending certain sections of Code in relation to	561
Amending section 4439 as to robbing	053
Bath County.	
Authorizing supervisors to borrow \$100,000	242
Prohibiting killing deer in	393
Expenses of judge of nineteenth circuit	543

Baylor Survey.  Amending section 3257 and repealing section 3163 in relation to	357 882
Bedford City.  Amending charter	668
Beneficiaries.  Amending section 4278 in relation to, of fraternal beneficiary societies	744
Birds.  Permitting collection of nests and eggs of	812
Black Bass.  Amending section 3206 as to time of catching, west of Blue Ridge	473
Blacksburg.  Amending act for issue of bonds	866
Blind.  To create commission for	602
Boards of Health.  Amending section 1564 in relation to registrar of local	10
Board of Supervisors.  Amending act enabling for improvements through special levy	237 518 664 771
Bonds of Officers.  Amending section 2698 in relation to	785
Botetourt County.  Authorizing supervisors to borrow \$10,000	378 408 438
Bounties.  Amending act for killing certain predatory birds and animals	
Bridges.  Amending section 2072 in relation to passage over	741
Brigtol.  Amending charter of	
Bristow, Harwood.  To build bridge across Onancock creek	
Buchanan County.  For protection of fish in	101
Buckingham County.	212

Budget System.  Amending section 11 of act creating	532
Building and Loan Associations.  Amending section 4163 in relation to	. 622
Campbell County.  For disposition of road from Rustburg to Lynchburg	. 225
Camp Sites.  Empowering highway commission to use land for, without condemnation,	131
Cape Charles.  Authorizing town to borrow money	
Carnivals.  Amending sections 109 and 111½ of revenue act in relation to	. 791
Carroll County.  Appropriation of \$2,000 for bridge at Harrison Farris ford	. 430
Carroll County.  Amending road law	. 611
Catawba Sanatorium. Providing pavilion at	. 428
Cedar Rust.  Amending section 892 in relation to	. 246
Cement. Containers of	. 572
Chancery Dockets.  Amending section 6245 in relation to	. 116
Charlottesville.  Validating certain ordinance for negotiation of city loan	. 48 . 166 . 697
Chase City.  Amending section 37 of charter	. 425
Chattel Mortgages.  Amending section 5189 in relation to	. 60
Chesterfield County.  Annexing portion of Henrico county to	. 26 . <b>54</b> 6
Children.  Regulating child placing	. 473 . 544 . 819 . 839 . 852

Children's Boarding Houses.  For licensing, etc.	. 850
Cigarettes.  Amending section 4695 as to furnishing to minors	. <b>7</b> 31
Circuit Courts.  Amending sections 5887 and 5888 in relation to judicial circuits  Prescribing times for holding terms in eighth circuit  For holding terms of twenty-fourth and thirty-third circuits	. 46 . <b>20</b> 9
Circuit Judges.  Amending section 3466 as to salary of first circuit  Expenses of thirty-first and nineteenth circuits	. 5 . 543
Amending section 1564 in relation to registrar local board of health	46 . 62 184 233 373 380 469 492 664 664 785 785
City Farms.  For establishment of	664
Cities and Towns.  Amending section 3084 as to bonds of	
Civil and Police Justices.  Amending sections 3102, 3105 and 3106 in relation to	<b>77</b> 2
Clarke County.  For protection of wild life in	. 111
Clerks of Courts.  Amending section 2406 in relation to remittances by	788
Clerk Supreme Court of Appeals.  Amending section 3486 as to fees of clerk	
Clifton Forge.	543

	_	3 .	
L	Ot	16	٠.

Repealing sections 219 and 220 as to absent voters	87
Repealing section 399 in relation to superintendent of public printing	73
Repealing section 1591 in relation to hotels	70
Repealing section 1831 as to commissioner of labor	60°
Repealing section 1831 as to commissioner of labor	00/
corrections	.14
Repealing sections 1925 to 1930 in relation to maternity hospitals	1JQ
Repeating sections 1923 to 1936 in relation to materinty nospitals	04/
Repealing sections 1931 to 1935, inclusive, in relation to children	134
Depositing sections 2220 and 2227 as to local boards of review	314
Repealing section 3163 in relation to Baylor survey	33/
Repealing sections 3556 to 3561, inclusive, as to wire fences	80:
Repealing sections 3665, 3666, 3667, 3668, 3670, 3671, 3672, 3673, 367	′4,
3675, 3676 and 3677 in relation to harbor and dock masters	117
Repealing section 6326 in relation to injunctions	769
Amending section 78 in relation to apportionment for the House	of
Delegates	22.
Amending section 79, senatorial reapportionment	463
Amending sections 202 to 218, inclusive, as to absent voters	875
Amending section 319 as to governor's staff	727
Amending section 319 as to governor's staff	nt
of public printing	734
Amending section 417 as to unsigned grants	658
Amending section 581 in relation to art commission.	757
Amending section 672 as to condemnation for schools	429
Amending section 675 in relation to schoolhouses	461
Amending section 702 in relation to what taught in schools	69
Amending section 780 in relation to school trustees	232
Amending section 892 in relation to cedar rust	246
Amending section 1028 in relation to examination of insane, epilepti	C.
feeble-minded or inebriate	ິ່ 808
feeble-minded or inebriate	ooo
minded, etc.	120
Amending section 1053 as to bond of committee for insane persons	646
Amending section 1030 as to registration of dairy	640
Amending sections 1245, 1246, 1247 and 1248 as to dairy and foc	01) VI
commissioner	649
Amending section 1564 in relation registrar local board of health.	010
Amending section 1560 in relation to duties of undertaleers	767
Amending section 1569 in relation to duties of undertakers	/U/
in relation to hotels	24
Amending section 1616 as to medical examiners	
Amending sections 1704, 1706, 1708 and 1714 in relation to gradual	710
nurses	A62
Amending section 1707 as to nurses	406
Amending sections 1799, 1002, 1007, 1017, 1022 and 1000 as to con	607
missioner of labor	007
Amending sections 1905 to 1922, inclusive, in relation to definiquen	L, Q10
dependent and destitute children	013
Amending sections 1945 to 1955, inclusive, in relation to juvenile an	920
domestic relations courts	027 510
Amending section 2002 as to clerk of board of supervisors	JIO 7/11
Amending section 2072 in relation to ferries and bridges	/41
Amending section 20/3 in relation to State convict road force	10
Amending section 2075 as to convicts on road	<i>921</i>
Amending section 2110 to 2122, inclusive, as to bond issue for roads.	895
Amending section 2131 as to number plate on automobiles	44
Amending section 2136 as to number plates	431
Amending sections 2138 and 2143 in relation to operation of auto	)- 
mobiles on public highways	747

M	Continued.	
	Amending section 2143 as to passing automobiles	418
	Amending section 2146 in relation to liens on automobiles	598
	Amending section 2158 as to security by banks	16
	Amending sections 2215, 2228 and 2229 as to State tax board	512
	Amending section 2252 as to commissioners of revenue	645
	Amending section 2307 as to listing property for taxation	900
	Amending section 2337 as to fees of commissioner of revenue	510
	Amending section 2337 as to fees of commissioner of revenue	788
	Amending section 2408 as to tax tickets	413
	Amending section 2414 in relation to collection of taxes	787
	Amending section 2431 in relation to compensation of treasurers	752
	Amending sections 2546 and 2550 in relation to fines	797
	Amending section 2098 in relation to bonds of officers	783
	Amending section 2699 in relation to bonds of city treasurers	780
	Amending section 2726 as to county offices	883
	Amending section 2769 in relation to compensation of supervisors	237
	Amending section 2775 in relation to reports of treasurers	818
	Amending section 2780 as to treasurers	599
	Amending section 2780 as to treasurers	771
	Amending section 2872 in relation to jails	36
	Amending sections 2881 and 2882 in relation to incorporation of towns	365
	Amending sections 2930, 2931, 2932 and 2933 as to government of cities	380
	Amending section 2942 as to manager plan of cities	660
	Amending section 2945 as to city and town officers	862
	Amending section 2978 in relation to changing wards in cities	373
	Amending section 3082 as to bonds issued by cities and towns	492
	Amending section 3084 as to municipal bonds	- 13
	Amending section 3101 in relation to disability of civil and police justices.	784
	Amending sections 3102, 3105 and 3106 in relation to civil and police	
	Amending sections 3102, 3105 and 3106 in relation to civil and police justices	772
	Amending section 3160 as to Baylor survey	884
	Amending section 3173 in relation to fishing	78
	Amending section 3181 as to seines in Accomac and Northampton	880
	Amending sections 3184, 3187 and 3188 as to unlawful fishing	220
	Amending section 3192 in relation to fish ladders in Meherrin river	214
	Amending section 3202 as to fishing in certain waters	47
	Amending sections 3205 and 3209 in relation to fishing	800
	Amending section 3206 as to catching bass and trout west of Blue Ridge	4/3
	Amending section 3240 as to ovsters	88
	Amending section 3246 as to oysters	878
	Amending section 3257 in relation to Baylor survey	357
	Amending section 3292 in relation to crabs	41.
	Amending subsection 4 of section 3299 as to taking oysters	470
	Amending section 3319 in relation to game wardens	812
	Amending section 3325 in relation to compensation of game wardens	800
	Amending section 3338 in relation to unlawful hunting	208
	Amending section 3408 to 3422, both inclusive, in relation to practice	
	of law	0.54
	Amending section 3466 as to salary of judge first judicial circuit	
	Amending section 3466 as to salary of judge first judicial circuit	
	Amending sections 3481 and 3507 as to justices of the peace	534
	Amending section 3480 as to tees cierk subteme court	
	Amending section 3487 in relation to fees of sheriffs, sergeants, criers,	<b></b>
	Amending section 3487 in relation to fees of sheriffs, sergeants, criers, coroners and constables	76
	Amending section 3504 as to fees of attorneys for the Common-	<b>~</b>
	wealth etc	8/4
	Amending section 3505 as to fees of Commonwealth's attorney	34/
	Amending section 3513 in relation to costs in criminal cases	//(
	Amending section 3547 as to lawful fence	569

Code—Continued.	
Amending section 3555 as to division fences	869
Amending section 3777 in relation to powers of corporations.	783
Amending sections 3780, 3781, 3786, 3788, 3810, 3820, 3822, 3851, 3854.	
3872 and 3876 in relation to corporations	625
Amending section 30/3 as to corporations	. 500
Amending section 3879 as to non-stock corporations	. 416
Amending section 3918 as to reduction in rates of common carriers	. 417
Amending sections 3922 and 3923 in relation to transportation of ex-	-
plosives  Amending section 4042 as to telegraph and telephone companies	. 79
Amending section 4042 as to telegraph and telephone companies	. 550
Amending section 4067 as to public utilities	. 000
Amending section 4083 as to toll on turnpikes.	604
Amending sections 4100, 4104, 4105, 4109, 4116, 4117 and 4118 as to banks,	561
Amending sections 4145 and 4146 in relation to banks and trust com-	
panies	460
Amending section 4103 as to building and loan associations	. 6ZZ
Amending section 4235 as to insurance agents	. 894
Amending section 4278 in relation to beneficiaries of fraternal bene-	
ficiary societies	. 744
Amending section 4439 as to robbing banks	683
Amending section 4580 as to police for religious meetings	475
Amending section 4695 as to cigarettes and pistols to minors	731
Amending section 4719 as to wearing insignia of American Legion	21
Amending section 4801 in relation to special police	/03
Amending sections 4804 and 4805 as to special police	3/1
Amending section 4835 as to fees of bail commissioner	545
Amending section 4902 as to july kept together	265
Amending section 4000 as to suspension of sentence	503
Amending section 4930 as to suspension of sentence	589
Amending section 5117 as to dower	860
Amending section 5117 as to dower	871
Amending section 5167 in relation to trustees	. 364
Amending section 5189 as to resurvation of title	60
Amending section 5194 as to recordation of deeds	474
Amending section 5205 as to acknowledgments	868
Amending section 5264 as to descents	861
Amending section 5276 as to renunciation of wills	872
Amending section 5281 in relation to partition of land	768
Amending section 5333 as to adoption of minors	839
Amending section 5335 and 5340 for sale or encumbrance of lands	180
Amending section 5349 in relation to transfer of stock certificates by executor	21 2
Amending section 5270 as to ages and addresses of heirs	647
Amending section 5379 as to ages and addresses of heirs	273
Amending section 5439 as to distribution of estates	219
Amending sections 5523 5524 and 5525 as to rents	863
Amending section 5758 in relation to public holidays	26
Amending section 5827 as to limitation of enforcement of deeds of trust.	732
Amending section 5867 and 5869 as to court of appeals	589
Amending section 5867 and 5869 as to court of appeals	6
Amending section 5985 in relation to jurors	<b>755</b>
Amending section 5995 as to jurors	460
Amending section 6046 in relation to notices and motions for judgment.	763
Amending section 6062 in relation to service of summons	593
Amending section 6063 as to process on corporations	610
Amending section 6245 as to dockets	110
A THEOLOGY SPECIAL DIAN AS TO CIPTE OF COURT OF ANDRAIS	74/



Code—Continued.	
Amending section 6270 in relation to advertisements in judicial sale	s 592
Amending section 6296 as to commissioners to execute deeds	605
Amending section 6317 in relation to injunctions	770
Amending section 6322 in relation to bill for injunction	768
Amending section 6337 as to appeals, writs of error, etc	45
Amending section 6348 as to appeals, etc.	4/
Amending section 6355 in relation to limitations of appeals, etc.	308 967
Amending section 6426 as to mechanic's liens	607
panies	ли- 13
Amending section 6474 as to lien of judgment	570
, ,	
Coeburn.  As to license for certain shows	132
	432
Collection of Taxes.	
Extending time for	62
Amending section 2408 in relation to tax tickets	415
As to suits for restraining	558
Amending section 2414 in relation to uncollectible and delinquent.	/8/
Common Carriers.	
Amending section 3918 as to reduction in rates	417
Regulating payment by, for loss or damage	420
Commission of Fisheries.	100
Authorizing refund of rent for oyster ground	102
Amending section 3160 as to Baylor survey	884
Commissioner of Game and Inland Fisheries.  To grant hunting and fishing licenses to United States field inspect	ors, 807
Commissioner of Labor.  Amending certain sections and repealing section 1831 in relation	to 607
Commission Merchants.	
License on	109
Commissioners of the Revenue.	
Auditor to withhold commissions when assessment contested	417
Amending section 2337 as to compensation of	510
Amending section 2252 in relation to number of	645
Compulsory Education.	
Providing for	641
_	07
Confederate Memorial Association.	
Appropriations to	600
Confederate Veterans.	
For enumeration of	12
For enumeration of	124 469
	***(X
Confederate Veterans' Reunion.	
Appropriation for entertainment	53
Confessed Judgments.	
In relation to	FO
In relation to	
*** **********************************	/ U.

Constables.  Amending section 3487 in relation to fees of	761
Constitutional Convention.  Submitting question of calling	726
-	120
Authorizing bonds in lieu of certified checks with bids	230
Co-Operative Marketing. Providing for	. 50
Coroners.  Amending section 3487 in relation to fees of	761
Corporations.	
Amending section 5349 as to transfer of stock of	362
Amending section 3873 as to what certificate to set forth	. 560
Amending section 6063 in relation to process on	610
Amending sections 3/80, 3/81, 3/88, 3810, 3820, 3822, 3851, 3854, 38/2 and 3876 in relation to corporations	625
Amending section 3777 in relation to powers of	783
Corporation Courts.  Prescribing jurisdiction of	. 119
Courtland. Amending section 4 of charter of	. 212
Courts. Granting certain jurisdiction to	902
Costs in Criminal Cases.  Amending section 3513 in relation to disposition of	. <b>77</b> 0
County Farms.  For establishment of	664
County School Boards.  Creating; prescribing duties	737
Covington. Amending sections 10, 22, 23, 56 and 65 of charter	30
For omitting certain buildings from taxation	408
Crabs.  Amending section 3292 as to license	413
Craig County.  Authorizing supervisors to borrow \$10,000.  Expenses of judge of nineteenth circuit	209 543
Credit Unions. Establishment of	. <i>7</i> 75
Crop Liens. Protecting landlords	. 491
Criers.  Amending section 3487 in relation to fees of	
Cumberland County.  Authorizing levy in Hamilton district for payment of certain debts	. 27

Culpeper.  Amending charter of town of	. 727
Culpeper County.	
Authorizing supervisors to borrow \$20,000	. 410
Authorizing supervisors to enact special legislation for roads	. 430
Curtesy.	
Removing disability of infancy for passing contingent right of In relation to	. 491 . 861
Danville.	
- <del> </del>	34
Amending section 1 of chapter 8 of charter	. 67
Amending section 32 of charter	423
Dairy.  Amending section 1173 as to registration of	649
	. 017
Dairy and Food Commissioner.  Amending certain sections of the Code in relation to	£ 40
·	. 046
Death Sentence.  Prescribing new day for	
Prescribing new day for	. 540
Deeds.	
Amending section 5194 in relation to recordation of	
Deeds of Trust.  Amending section 5827 as to limitation of enforcement of	. 732
Deer.	
Prohibiting killing in King and QueenProhibiting killing in Bath and Highland	. 391
Prohibiting killing in Bath and Highland Prohibiting sale of in State	. 393 . 805
Descents and Distribution.	
Amending section 5264 in relation to	. 861
Desertion.	
Amending act in relation to	. 842
Detours.	
Empowering highway commissioner to use land for, without con- demnation	. 131
Duck Blind.	
Prohibiting persons from shooting from certain	. 244
Dickenson County.	
Amending section 7 of road lawAmending act for construction of county memorial	. 129 . 132
Distribution of Estates.	
Amending section 5439 as to	. 219
Division Fences.	
Amending section 3555 as to	960

Divorces.  Amending section 5105 in relation to suits to obtain	589
Dockets.	
Amending section 6245 in relation to	116
Dock Masters.  Repealing certain sections of the Code in relation to	117
Dower.	7.
Removing disability of infancy for passing contingent right of  Amending section 5117 as to	860
Eastville.	
Authorized to borrow \$15,000	
Elections.	
Amending sections 202 to 218, inclusive, as to absent voters	875
Elizabeth City County.	
For fire department in Wythe district	661
Elizabeth River.	
Preventing bathing in certain portions of	102 116
Elk.	
Authorizing killing under certain conditions	378
Epileptics.  Amending section 1028 in relation to examination of	808
Epileptic Colony.  For protection of patients and inmates	470
Erroneous Assessment of Taxes.	
Prescribing simple remedy for correction	<b>78</b> 9
Estates.  Amending section 5439 as to distribution of	219
Evidence.	
Amending section 417 as to unsigned grants	658
Explosives.  Amending sections 3922 and 3923 in relation to transportation of	<b>7</b> 9
Farm Products.	
Providing for co-operative marketing	50
Farmville.	
Amending certain sections of charter of	396
Fauquier County.	
Authorizing Scott district to pay off certain indebtedness	402
For building roads	520
Amending road law of	/40

Federal Tax Liens.  Authorizing filing of notices with clerks of State courts	512
Feeble-Minded.	•~
Amending sections 1039, 1075 and 1077 in relation to	12U 200
Amending section 1020 in relation to examination of	JUC
Fees of Officers.	
Amending section 3504 as to	374
Ferries.	
Amending section 2072 in relation to passage over	7 <b>4</b> 1
• •	•
Fiduciaries.	
Amending section 5428 as to	373
Fines.	
Amending sections 2546 and 2550 in relation to	797
•	•
First Judicial Circuit.	_
Amending section 3466 as to salary of judge of	5
Fish.	
Prohibiting sale of certain species of game4	168
Limiting number of game taken in one day	469
Amending sections 3184, 3187 and 3188 in relation to, for manure 2	:20
Fishing.	
Amending section 3173 in relation to	78
Amending section 3202 as to Mattaponi, Pamunkey and York	<b>1</b> 75
Amending sections 3205 and 3209 in relation to	
Amending section 3181 as to seines	980
Fishing Devices.	
For seizure of illegal by game wardens	81
Fish Ladders.	12
Amending section 3192 in relation to, in Meherrin river 2	14
Fort Monroe.	
Giving consent for erection of hotel at	19
Fox Hounds.	חב
Permitting to be released from confinement	ws
Franklin.	
Validating \$85,000 bond issue	22
Validating \$116,000 bond issue 12	23
Franklin County.	
Authorizing supervisors to erect tollgates on improved roads	84
For issue of bonds for certain road	
Fraternal Beneficiary Societies.	
Amending section 4278 in relation to beneficiaries of	44
Front Royal.	70

Fungicides.	
Prohibiting manufacture, sale or transportation of adulterated or mis- branded	814
Galax.	
Providing new charter for town of	140
Game Animals.	
Regulating shipment of	208
Game Birds.	
Regulating shipment of	208
Game Fish.	
Prohibiting sale of certain species	468
Limiting number of, to be taken	
Game Sanctuaries.	
Establishing State	130
Game Wardens.	
For seizure of illegal hunting and fishing devices by	81
Amending section 3325 in relation to compensation of	806
Amending section 3319 in relation to appointment of	812
Germany.	
Memorials for soldiers who died in war with	213
Cilor Country	
Giles County.  Authorizing supervisors to erect toll gate on road to Peterstown	377
Providing additional term of court	590
Glade Spring.	
Amending section 5 of charter	211
Amending section 5 of charter	420
Gloucester County.	
For protection of deer in	29
In relation to Glebe lands in	752
Governor.	
Authorized to issue proclamation as to mother's day	551
Authorized to employ special counsel for recovery of certain rlaims	
for public land	504
Authorized to institute certain actions and suits	<b>U77</b>
Governor's Staff.	
Amending section 319 in relation to	<i>721</i>
Grade Crossings.	
As to travel at	559
Grants.	
Amending section 417 as to copies of unsigned	658
Grayson County.	124
Amending act for capitation tax for schools	212
Amending road law	685
Greensville County.	<b>R</b> 1

Halifax. Authorizing loan of \$45,000	458
Halifax County.	
For loan of \$40,000	43
In relation to fish ladders in	212
Authorized to borrow \$75,000	465
Authorized to borrow \$60,000 for roads	809
Hampton Roads Port Commission.	620
Harbor Masters.	
Repealing certain sections of the Code in relation to	117
Harrell, Moses R.	
	110
Validating conveyance of lot in Williamsburg to	110
Hart, J. C.	
For reimbursement of	<b>7</b> 31
Heirs.	
Amending section 5379 as to ages and addresses	647
Henrico County.	00
Annexing part of, to Chesterfield county	20
Authorizing supervisors to issue bonds for enlarging courthouse	4/
Henry County.	
For expenditure of surplus road fund	389
School census in Fieldale district	663
Highland County.	
Prohibiting killing deer in	. 303
Historical Markers.	
Commission appointed to place	210
Home Crafts.	
For teaching	231
Honoreal 1	
nopewen.	
Amending section 3 of charter	496
Hotels.	
Amending certain sections and repealing section 1591 in relation	to 24
Amending Certain Sections and repeating Section 1331 in relation	10 27
House of Delegates.	
Amending section 78 in relation to apportionment for	223
Hunting Devices.	
For seizure of illegal, by game wardens	81
FOr seizure of megal, by game wardens	01
Idiots.	
Amending sections 1039, 1075 and 1077 in relation to	120
Amending section 10 of revenue act in relation to taxation of	700
Amending section 10 of revenue act in relation to taxation of	199
Industrial Commission.	
Amending certain sections of Workmen's Compensation act	<u>7</u> 41
Amending section 30 of Workmen's Compensation act	745

Industrial Sick Benefit Companies.	
As to cancellation of certain portions of policies	
Inebriates.	
Amending section 1028 in relation to examination of	808
Infants.	
Amending sections 5335 and 5340 for sale or encumbrance of lands of  Validating contracts for insurance on life of  Removing disability in relation to curtesy and dower	457
Removing disability in relation to curtesy and dower	491
Amending section 6322 requiring equity of bill for, to be shown by affidavit	
affidavit	768
Repealing section 6326 in relation to	770
Insane Persons.	
Amending section 1053 as to bond of committee for	646 808
Insecticides.	
Prohibiting manufacture, sale or transportation of adulterated or misbranded	814
Institutions.	
Prohibit members of governing boards from holding other offices with	591
In relation to sick benefit companies	542
Insurance Agents.  Amending section 4235 as to	894
Intangibles.  Amending sections 8 and 9 of revenue bill as to tax on	551
Intoxicating Liquors.	
Amending certain sections of act in relation to	573
Irvington.  Authorizing lime plant to borrow \$15,000	EM
	, 302
Isle of Wight County.  For expenses of judge of twenty-eighth circuit	. 590
Ivakota Association, Inc.	
Appropriation to	. <b>787</b>
Jails.  Amending section 2872 in relation to adoption of by courts	. 361
Jefferson Highway.  Designating part of State highway system, No. 9, as	. 229
Jefferson Davis Highway.	
Designating road No. 1 of highway system as	. 474
Jointure.	971

Judicial Circuits.  Amending sections 5887 and 5888 in relation to	6
Judicial Sales.  Amending section 6270, when purchaser relieved from liability  Amending section 6296 as to commissioners to execute deeds	592 605
Judges.  Amending section 3466 as to salary of first circuit  Amending section 3468 in relation to salary of city	5
Judgments.  Requiring power of attorney to confess, to be acknowledged  To regulate the confession of	588 765
Judgment Liens.  Amending section 6474 as to enforcement of	570
Juries.  Amending section 4902 as to when kept together	545
Jurors.  Amending section 5995 in relation to	460 755
Justices of the Peace.  Amending section 3481 and 3507 as to fees of	534
Juvenile and Domestic Relations Courts.  Amending sections 1945 to 1953, inclusive, in relation to	829 835
King George County.  For protection of deer in	. 29
King and Queen County.  Prohibiting killing deer	391
Lancaster County.  For protection of deer in	. 29
Landlords.  For protection of against removal of crops	491
Lawful Fence.  Amending section 3547 in relation to	569
Lead Arsenate.  Prohibiting manufacture, sale or transportation of adulterated or misbranded	814
Lee County.  Prohibiting explosives in streams of	401 467
Lee Highway.	Fac

Leesburg.	
Confirming acts of school trustees in	42 385
Lexington.  Amending section 32 of charter	124
Lien of Employees.  Amending section 6438 as to transportation companies	. 13
Life Insurance. Infants	457
Lime.  Prescribing standard barrels for	572
Lime Grinding Board.  Authorized to borrow \$15,000 for Irvington plant	
Lime-Sulphur.  Prohibiting manufacture, sale or transportation of adulterated or misbranded	814
Limitation of Appeals.  Amending section 6355 in relation to	. 368
Limitation of Suits.  Amending section 5827 as to enforcement of deeds of trust and mort-	732
Line Fences.  Amending section 3555 as to	869
Linseed Oil.  To prevent deception in sale of	749
Livery Stables.  Amending section 134 of revenue act in relation to tax on	. 367
Loan and Savings Institutions.  Establishment of credit unions	775
Local Boards of Review.  Repealing sections 2226 and 2227 in relation to	512
Loudoun County.  Authorizing McGilead district to borrow \$37,000	. 404
Louisa County.  In relation to fish ladders in	. 212
Lunenburg County.  In relation to fish ladders in	. 212
Lynchburg.  Amending section 4 of chapter 8 of charter.	. 28

Madison.  Repealing charter of	392
Madison County.  Validating election held on certain road bonds	407
Manassas.  Authorizing council to negotiate loan	188 665
Mapp Bill.  Amending certain sections	<b></b> 5 <b>7</b> 3
Margaret Academy.  Validating sale of	81
Martinsville.  Amending section 77 of charter	377
Maternity Hospitals. For licensing	847
Maternity and Infancy.  Accepting provisions of act of Congress relating to	155
Mattaponi River.  Amending section 3202 as to fishing in	475
Maury, Mathew Fontaine.  Appropriating \$1,000 for marker in Goshen Pass	536
Mechanics' Liens.  Amending section 6426 as to	867
Mecklenburg County.  For protection of deer in	212
Medical Examiners.  Amending section 1616 as to compensation of	416
Meherrin River.  Amending section 3192 as to fish ladders in	212
Memorials.  Authorizing supervisors and councils to make appropriations to	213
Mental Health.  For commission on	601
Minors.  Amending section 4695 as to furnishing cigarettes and pistols to  For protection of, committed to reform institutions  Amending section 5333 as to adoption of	493
Misdemeanants.  Commitment of certain, to State board of charities and corrections	<b>74</b> 5
Montgomery County.	212

Monuments.  Commission appointed to place	210
	210
Mother's Day.  For display of flags	551
Moving Pictures.  Regulating	434
Muskrata.  Prohibiting killing at certain times	102
Narrows.  Amending section 3 of charter	429
Nelson County.  Issue bonds for \$20,000  Authorizing supervisors to use proceeds of bond issue to build bridge	459
	397
Newport News.  Authorizing \$150,000 bond issue  For employment of physician to attend prisoners	125
Authorizing \$100,000 bond issue	126
For appointment of coroner	126
Allowing nomination for council by primary	219
Authorizing issue of \$150,000 for refunding short-time notes	401
Newspapers.	
In relation to false information given to	591
Prohibiting certain kinds of advertisement	592
Nonresident Decedents.	
Imposing tax upon transfer of personal property	792
Non-Stock Corporations.	
Amending section 3879 in relation to	416
Norfolk.	
Providing municipal terminals for	. 3
Establishing additional corporation court for	. 117
Creating office of assistant attorney for the Commonwealth for city of	. <i>ZZ</i> S
Authorized to establish underground drainage	319
Norfolk County.	
Amending act for commission of roads in	. 77
Authorizing Tanners Creek district to borrow \$300,000	. 189
Authorizing Washington district to borrow \$125,000	. 190 101
Authorizing Western Branch district to borrow \$80,000	192
Amending section 4 of act for commission of roads	. 374
Amending section 7 of act for commission of roads	. 393
Amending act for issue of school bonds by Butts district	. 395
Northampton County.	
Road commission for Eastville district	. 471
As to expenses of judge of thirty-first circuit	. 543
Amending section 3181 as to seines and traps in	. 880
North Frederick Road.	
For discontinuance of tollgate on	410

Northumberland County.  For protection of deer in	. 29
Northwestern Turnpike.  For sale of certain houses on	. 13
Notices and Motions.  Amending section 6046 in relation to	. <b>7</b> 63
Nottoway County.  Amending act authorizing Bellefonte district to borrow money	. 140
Nottoway River.  For protection of fish in Sussex and Greensville	. 81
Nurses.  Amending sections 1704, 1706, 1708 and 1714 in relation to examination and license of	ı . 22
Nursing.  Providing for training and licensing attendants for sick	. 21 . 462
Nurseries.  For licensing, etc.	850
Office Building.  For erection of	. 235
Occupational Therapy.  Authorizing in certain institutions	. 44
Onancock Creek.  Allowing Harwood Bristow to build bridge	
Orange. Authorized to borrow \$15,000	. 433
Oysters.  Amending subsection 4 of section 3299 as to taking	. 878
Page County.  Authorizing supervisors to issue warrants for \$10,000	. 45
Paint.  To prevent deception in sale of	. 749
Pamunkey River.  Amending section 3202 as to fishing in	. 475
Parents.  Requiring support of under certain conditions	. 544
Paris Green.  Prohibiting manufacture, sale or transportation of adulterated or mis-	- 01/

Partition of Land.  Amending section 5281, in relation to, when no partition can be made 7	<b>768</b>
Partnerships.  Requiring certificate to show members of	596
Patrick County.  Amending act for capitation tax for schools	134
Pearisburg. Amending charter	563
Penitentiary.  Amending section 2073 in relation to employment of certain convicts at  For examination for venereal diesase of persons admitted	
Pennington Gap. Amending charter of	359
Personal Repersentatives.  Amending section 5379, ages and addresses of heirs to be furnished by, 6	547
Persons Under Disabilities.  Amending sections 5335 and 5340 for sale or encumbrance of lands of 1	186
Phoebus. Amending charter	112
, 'iedmont Sanatorium.  Providing pavilion at	<b>428</b>
Pistols.  Amending section 4695 as to furnishing to minors	731
'ittsylvania County. Authorizing loan of \$250,000	112
Plats.  Regulating recordation of, for subdivisions	233
Pleading and Practice.  Amending section 6046 in relation to notices and motions	763
Police Justices.  In relation to admitting persons to bail	754
Potatoes.  Amending act in relation to seed	590
Portsmouth.  Amending sections 80, 81 and 82 of charter	240 541
Potomac.  Submitting question of annulling charter	<del>194</del>
Potomac River.  Prohibiting persons from shooting from certain duck blinds	
Predatory Birds and Animals.  Amending act for bounties for killing	

Princess Anne County.	
Authorizing supervisors to borrow \$15,000	388
For drainage of low lands in	398
Authorized to borrow \$500,000 for roads in Seaboard district	566
For expense of judge of twenty-eighth circuit	590
Commissioner of roads for Seaboard district	613
Prince George County.	
Authorizing Templeton district to borrow \$18,000	12
Authorizing Templeton district to Dorrow \$18,000	3/3
Authorizing supervisors to enact special legislation for protection of roads	411
School census in Bland district	662
School census in Diana district	000
Process.	
Amending section 6062 in relation to execution of	593
Amending section 6063 as to corporations	610
Prohibition.	
Amending certain sections of act for enforcement of	573
Public Free Schools.	
Amending section 702 as to what taught in	60
Amending act relating to contracts for text-hooks	226
Amending section 780 in relation to school trustees	232
Amending section 672 as to condemnation of land for	420
Amending section 672 as to condemnation of land for	461
Providing for compulsory education	641
Creating county school boards	737
Validating bonds for schoolhouses	862
Public Highways.  See Public Roads.  Public Holidays.	
Amending section 5758 in relation to	20
Amending section 5/56 in relation to	20
Public Institutions.	
Prohibit members of governing boards from holding other offices with	501
	371
Public Roads.	
Amending act as to how county roads built and maintained	378
Amending section 7 of act for issuing bonds for roads in magisterial	
districts	383
Validating bonds issued for roads in magisterial districts	413
Duties of operators of automobiles on	684
Amending act for issuing bonds for roads in magisterial districts	888
Amending sections 2110 to 2122, inclusive, as to bond issue for county bonds for	005
A monditure and in 7 of and for insure of anomals hands	005
Amending section 7 of act for issue of county bonds	903
Public Service Corporations.	
Amending section 6438 in relation to lien of employees	12
Amending section 0438 in relation to tien of employees	13
Public Utilities.	
Amending section 4067 as to	886
	200
Pulaski County.	
In relation to fish ladders in	212
Amending road law	692

Pulley, F. P. For the relief of	. 817
Quarantine Districts.  Repealing act constituting, in Elizabeth river	. 116
Radford.  Amending section 54 of charter	. <b>6</b> 8
Railroads.  Amending section 3918 as to reduction in rates	. 417 . 559
Recreation Centers.  Act for establishment of	. 231
Reform Institutions.  For protection of	. 493
Religious Meetings.  Amending section 4580 as to police for	. 475
Rents.  Amending sections 5523, 5524 and 5525 as to	. 863
Reports.  Biennial in lieu of annual	. 684
Reservation of Title.  Amending section 5189 in relation to	. 60
R. E. Lee Camp, Confederate Veterans.  Appropriation of \$15,000 to	. 537
R. E. Lee Camp, Soldiers' Home.  Authorized to borrow \$10,000  Authorizing Virginia Railway and Power Company to grant free transportation	•
Robbery.  Amending section 4439 as to banks	
Rockbridge County.  Amending section 5 of new roads in	. 214 . 378
Rockingham County.  Amending road law of	. 70 . 378
Richlands.  Authorizing town to sell lot to Maiden Spring school board	. 133
Richmond.  Amending certain sections of charter	. <b>43</b> 9
Richmond County.  For protection of deer in	. <b>2</b> 9
Russell County.	220

Salem.	
Amending charter	36
Repealing act constituting separate school district	392
Sanity.	
Amending section 4909 as to trial of	865
Saw Mills.	
Requiring operators to fill up wells and pits on abandonment	490
Scallops.	
For taking with scrapes	887
School for Deaf and Blind at Staunton.	
Effecting separation of	558
Schoolhouses.	
Amending section 672 as to condemnation of lands for	429
Amending section 675 in relation to	
varidating boilds for	002
School Trustees.	020
Amending section 780 in relation to	232
Scott County.	
Amending act regulating taking of fish in	412
·	101
Seed.  Preventing sale of inferior	621
Freventing sale of interior	024
Senate.	463
Amending section 79 as to apportionment for	403
Sentence.	
Amending section 4930 as to suspension of	593
Sergeants.	
Amending section 3487 in relation to fees of	761
Shenandoah County.	
For protection of ring-necked pheasants in	376
Validating certain negotiable notes issued by	409
Sheppard-Towner Act.	
Accepting	155
Sheriffs.	
Amending section 3487 in relation to fees of	761
Simplification of State Government.	
For commission on	729
Small Loans.	
Amending act regulating	. 502
Southampton County.	1.00
Authorizing Jerusalem district to borrow \$25,000	. 103

South Boston.	
Amending section 11 of charter	134 186
Validating issue of \$200,000 of bonds	514
South Hill.  Amending section 10 of charter	. 403
South Norfolk.  Amending charter of	200
Special Police.	
Amending sections 4804 and 4805 in relation to	682
Spotsylvania County.  Amending road law	694
St. Paul.  Validating certain bonds issued by	162
Stafford County.	
For protection of deer in	
For levy of tax to build courthouse, etc	243
Stanardsville.  Validating charter	244
State Accountant.  For audit of certain records by	730
State Board of Agriculture.  Authorized to sell certain lands in Augusta	. 80
State Board of Charities and Corrections.	
Merged into State board of public welfare	. 156 . 745
State Board of Crop Pest Commissioners.  Amending act in relation to	. 590
State Board of Health.  Promoting tuberculosis educational division	
State Board of Medical Examiners.	. 720
Amending section 1616 as to compensation of	. 416
State Board of Public Welfare.  Continuing and constituting	. 156
State Convict Road Force.  Amending section 2073 in relation to	. 10
State Corporation Commission.  Amending section 4067 as to public utilities	. 886
State Game Sanctuaries. Establishing	. 130

State Government.  Commission on simplification of	729
State Highway Commission.	
Authorized to sell certain houses on Northwestern turnpike	12
Empowered to use lands for camp sites, detours, etc.	131
Creating	673
	0/ 3
State Highway System.	~45
Adding certain interstate roads to	24/
Designating road No. 1 as Jefferson Davis highway	4/4
Amending act establishing	538
State Hospitals for Insane.	
For protection of patients and inmates	470
State Office Building.	
For erection of	235
State Tax Board.	
Amending sections 2215, 2228 and 2299 in relation to duties	512
-	
Stevens, Mrs. G. H.	010
Payment for services of	PIG
Stock and Poultry Foods.	
Amending sections 1246, 1247 and 1248 in relation to	648
Strasburg.	
Providing new charter for	103
Suffolk.	
Providing new charter for city of	Q:
- · · · · · · · · · · · · · · · · · · ·	u
Superintendent of Public Printing.	
Amending sections 381, 382, 384 and 385 in relation to	734
Repealing section 399 in relation to	/34
Supervisors.	
Amending section 2769 as to compensation of	23
Supreme Court of Appeals.	
Amending section 3486 as to fees of clerk	. 4
Amending section 6337 as to appeals, writs of error, etc.	4
Amending section 6348 as to appeals, etc.	. 4
Amending section 6358 as to bids for printing by clerks of	. 59
Amending section 5867 and 5869 as to business at Richmond and Staunton	l
•	
Surry County.	
Authorizing supervisors to enact special legislation for protection of	41
roadsLoan for rebuilding courthouse	50 50
Sussex County.	
For protection of fish in Nottoway river in	. 8 50
	. J <del>y</del> .
Taxation.	٠.
Amonding not defining situa for	22

Taxes.	
Extending time for collection of	62
As to suits for restraining collection of	558
Taxpayera.	
For relief of, as to property acquired by State	722
	/33
Tax Tickets.	
Amending section 2408 in relation to	415
Taylor, J. P.	
For reimbursement of	721
Por remiburschient or	/31
Tazewell County.	
Authorizing loan of \$15,000 for roads	214
Authorizing supervisors to issue bonds for \$135,000	216
For issuing \$20,000 bonds	372
Malaurante Composion	
Telegraph Companies.	***
Amending section 4042 as to transmission of messages	550
Telephone Companies.	
Amending section 4042 as to transmission of messages	550
Amending section 4042 as to transmission of messages	330
Text Books.	
Amending act relating to contracts for	226
Thompson I Taylor	
Thompson, J. Taylor.  Appropriation of \$500 to	500
Appropriation of \$500 to	377
Timberville.	
Amending section 11 of charter	426
Tolls.	
Amending section 4082 as to	904
-	
Tollgates.	
Amending section 4083 as to tolls on turnpikes	604
Torrens System.	
Amending section 89 of act providing	391
runchung section of or act providing	٠,٠
Towns.	
Regulating recordation of plats for subdivisions adjacent to	233
Amending sections 2881 and 2882 in relation to incorporation of by	265
Amending act how charter granted by court annulled or repealed	366
For additional levy for sinking fund and interest	460
Amending section 3082 as to bonds issued by	492
Amending section 2942 as to manager plan	660
Amending section 2945 as to officers	862
Treasurers.	
To account for interest on funds	544
Amending section 2780 as to receipts and disbursements	500
Amending section 2431 in relation to compensation of	757
Amending section 2699 in relation to bonds of, in cities	786
Amending section 2775 in relation to reports of	818
-	
Trial.	045

Trial Justices.  For appointment of, in certain counties	650
Trout.	
Amending section 3206 as to time of catching, west of Blue Ridge	473
Trustees.  Amending section 5167 in relation to	364
Trust Companies.  Amending sections 4145 and 4146 in relation to	460
Turpentine.  To prevent deception in sale of	749
Turnpikes.  Amending section 4082 as to tolls on	
Turnpike Companies.  Allowed to regulate travel on	415
Undertakers.  Amending section 1569 in relation to duties of	<b>7</b> 67
United States.	
Giving consent for erection of hotel at Fort Monroe	19
Amending act ceding jurisdiction of land to	657
United States Field Inspectors.  Granting hunting and fishing licenses to	807
Unlawful Fishing.	
Amending section 3173 in relation to	78 220
Unlawful Hunting. Amending section 3338 in relation to	208
Vagrants For commitment of	358
Venereal Disease.  For examination for, of persons admitted to institutions	537
Virginia Railway and Power Company.  Authorized to grant free transportation to veterans	459
Vocational Rehabilitation.  Accepting act of Congress for	901
Voting Machines.  Providing in cities	62
Wachapreague. Authorized to borrow \$10,000	466
Wakefield. Amending section 12 of charter	<b>4</b> 01

Amending act authorizing supervisors to borrow \$100,000	. 193
Warwick County.  Repealing act providing special police for Newport district	•
Authorizing Kinderhook district to borrow \$15,000	. 195
Waynesboro.  Providing charter for	. 525
Westmoreland County.  For protection of deer in	. 29
West Virginia. Supplying certain specimen bonds	404
Wild Turkeys.  Prohibiting baiting for	. 15 . 426
Wild Waterfowl.  Regulating shooting	. 15
Williamsburg.  Amending sections 7, 9 and 48 of charter	. 28 . 110
Wills.  Validating certain holographic  Amending section 12 of revenue act in relation to	. 796
Winchester.  Validating acts of school board of	232
Windsor.  Amending section 12 of charter	. 418
Wise County.  Authorizing Richmond district to borrow \$60,000  For issue of bonds for Robertson district  For issue of bonds for road construction  For establishing home for women and girls  Authorizing bonds for Roberson district  Authorizing Big Stone Gap district to borrow \$15,000  For issue of bonds for Appalachia-Lynch highway	. 40 . 41 . 111 . 379 . 387
Witnesses.  Prescribing number to be paid out of treasury in criminal cases	. <b>5</b> 65
Women.  Amending act extending right of suffrage	. 462
Woodstock. Providing new charter for	. 715

Workwart, Commencation Act	
Workmen's Compensation Act.	~
Amending certain sections of	
York River.	
Amending section 3202 as to fishing in	475
Zones.	~
Authorizing cities to create	46





Digitized by Google

